

JOURNAL

OF THE

SENATE

OF THE

STATE OF ALABAMA,

BEGUN AND HELD AT THE TOWN OF TUSCALOOSA, ON THE THIRD
MONDAY IN NOVEMBER, 1829.

BEING THE ELEVENTH ANNUAL SESSION,

OF THE

GENERAL ASSEMBLY OF SAID STATE.

Tuscaloosa:

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JOURNAL OF THE SENATE.

On the sixteenth day of November, in the year of our Lord, one thousand eight hundred and twenty-nine, being the third Monday in said month, and the day fixed by law for the meeting of the General Assembly of the State of Alabama, at Tuscaloosa, the following members of the Senate appeared in the State Capitol, and took their seats, to wit :

From the Senatorial District, composed of the counties of

Monroe and Clarke,	Neal Smith.
Conecuh and Butler,	John Watkins.
Henry, Pike, Corington and Dale,	William Irwin.
Wilcox and Marengo,	— — —
Perry,	Richard B. Walthall.
Montgomery,	James Abercrombie.
Bibb and Shelby,	Thomas Crawford.
Madison,	John Vining.
Jackson,	Samuel B. Moore.
Lawrence,	David Hubbard.
Tuscaloosa,	Levin Powell.
Jefferson and Walker,	John Wood.
Greene,	Zachariah Merriwether.
Autauga,	William R. Pickett.

On motion of Mr Watkins, Mr Pickett was called to the chair.

On motion of Mr Hubbard, F. S. Lyon was appointed Secretary of the Senate pro tem.

The Honorable John B. Hogan, elected a senator on the first Monday in August last, from the district composed of the counties of Mobile, Washington and Baldwin; Horatio G. Perry, from Dallas; David Conner, from St Clair and Blount; Hugh McVay, from Lauderdale; Quin Morton, from Franklin; Rufus K. Anderson, from Pickens, Fayette and Marion; and Jesse W. Garth, from Morgan, elected under the classification of the last session to supply the places of the senators of the first class, whose term of service expired on the first Monday in August last; and William Edmondson, a senator from Limestone, elected to supply the vacancy occasioned by the resignation of the Hon. Nicholas Davis, appeared, produced their credentials, were qualified and took their seats.

The Senate then proceeded to the election of a President, and upon an examination of the votes, it appeared that the honorable Levin Powell of Tuscaloosa, was duly elected; whereupon Mr Powell was conducted to the chair, from whence he made his acknowledgements to the Senate, was qualified, and proceeded to the discharge of the duties of his office.

On motion of Mr Pickett, the senate then proceeded to the election of a Secretary; and the election being conducted *vice voce*, it appeared that Francis S. Lyon was unanimously elected, who, having been qualified, entered on the discharge of the duties of his office.

The Senate then proceeded to the election of an assistant Secretary, and the election being conducted in the mode prescribed by the Constitution, it appeared that George W. Crabb was unanimously elected.

James A. Bates was then elected door-keeper of the senate.

On motion of Mr Morton: *Resolved*, that the rules of order heretofore adopted for the government of the Senate, be regarded as the rules of order and decorum, for the government of the present senate, until otherwise altered or rescinded.

Mr Perry offered the following resolution: *Resolved*, that the Editor of the Alabama State Intelligencer be permitted to take a seat within the bar of the Senate, for the purpose of taking notes of the proceedings thereof for publication; which was adopted.

On motion of Mr Morton it was ordered that a message be sent to the House of Representatives to inform that body that a quorum of the Senate has assembled: that the Honorable Levin Powell of Tuscaloosa has been elected President thereof; Francis S. Lyon, Secretary; George W. Crabb, assistant Secretary; and James A. Bates, Door Keeper, and that they are ready to proceed to business.

Mr McVay offered the following resolution: *Resolved* that a committee be appointed on the part of the Senate to join such committee as have been, or may be appointed on the part of the House of Representatives to wait on his excellency the Governor and inform him that quorums of the two houses have assembled, and that the General Assembly is ready to receive any communication he may think proper to make; which was ordered to lie on the table.

On motion of Mr McVay: *Resolved*, that the following standing committees be appointed:

- A committee on propositions and grievances;
- A joint committee on enrolled bills;
- A judiciary committee;
- A committee on privileges and elections;
- A committee on inland navigation;
- A committee on roads, bridges, and ferries;
- A committee on county boundaries;
- A committee on accounts and claims;
- A committee on schools and colleges, and school and college lands;
- A committee on the state bank;
- A military committee;
- A committee on divorce and alimony;
- A committee on the state capitol.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Tuesday, 17th Nov., 1829.—The Senate met pursuant to adjournment.

Mr President laid before the Senate the following communication from the Governor:

EXECUTIVE DEPARTMENT, *November 17th, 1829.*

To the Honorable the President and members of the Senate:

Gentlemen:—The Secretary of State is necessarily absent from the seat of government, on account of the indisposition of his family. The Senate will have the goodness to receive any communication from this department by Captain Abbott, who will be intrusted with the delivery of them in the absence of the Secretary of State.

I have the honor to be most respectfully, your obedient servant,
JOHN MURPHY.

Ordered that the communication lie on the table.

In pursuance of an order of the Senate, Mr President reported the following standing committees, to wit:

A committee on propositions and grievances, to consist of Messrs Pickett, Moore, Walthall, McVay, and Merriwether.

A joint committee on enrolled bills to consist of Messrs Moore, Edmondson, Smith, Vining, and Garth.

A judiciary committee to consist of Messrs Perry, Garth, Hubbard, Moore, and Anderson.

A committee on Privileges and Elections, to consist of Messrs Watkins, Perry, Merriwether, Walthall and Abercrombie.

A committee on Inland Navigation, to consist of Messrs Walthall, Evans, M Vay, Smith and Conner.

A committee on Roads, Bridges and Ferries, to consist of Messrs Edmondson, Morton, Merriwether, Pickett and Irwin.

A committee on County Boundaries, to consist of Messrs Abercrombie, Crawford, Walthall, Hogan, and Merriwether.

A committee on Accounts and Claims, to consist of Messrs Vining, Evans, M'Vay, Garth, and Morton.

A committee on Schools and Colleges, and School and College Lands, to consist of Messrs Crawford, Morton, Hubbard, Anderson, and Merriwether.

A committee on the State Bank, to consist of Messrs Hogan, Garth, Moore, Perry, and Watkins.

A Military Committee, to consist of Messrs. Wood, Irwin, Pickett, Hogan, and Evans

A committee on Divorce and Alimony, to consist of Messrs Garth, Moore, Hubbard, Irwin, and Morton; and

A committee on the State Capitol, to consist of Messrs Hubbard, Hogan, Edmondson, Merriwether, and Anderson.

On motion of Mr. Watkins: *Resolved*, That Alexander M. Robinson, Editor of the Spirit of the Age, be allowed a seat within the bar of the Senate, for the purpose of taking notes of the proceedings thereof.

A message from the House of Representatives by Mr McClellan: *Mr President*,—The house of Representatives have adopted the following resolution: *Resolved*, That the clerk of this House be instructed to inform the Senate, that the House of Representatives is organized; that they have elected the Hon. John Gayle, their Speaker; Thomas B. Tunstall, Principal Clerk; T. Nixon Van Dyke, Assistant Clerk; William B. McClellan, Engrossing Clerk; and John Tatom, Door Keeper, and are now ready to proceed to business.

They have also adopted the following resolution, in which they desire your concurrence: *Resolved*, That a select committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to wait on his excellency the Governor, and inform him that the two houses of the General Assembly are now organized, and ready to receive any communication he may please to make:—They have appointed on their part, Messrs. Acklen and Parsons.

Ordered, That the Senate concur in the resolution from the House of Representatives, proposing the appointment of a joint committee, to wait on the Governor, and inform him of the organization of the two houses, and of their readiness to receive any communication he may think proper to make; whereupon Messrs M'Vay and Moore were appointed the committee on the part of the Senate.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Smith offered the following resolution: *Resolved*, That the Secretary cause to be printed fifty copies of the rules heretofore adopted for the government of the Senate; which was adopted.

Mr. President presented to the Senate the memorial of James Jackson, contesting the right of Hugh McVay to a seat in the Senate, from Lauderdale county, and claiming a right to the office of Senator from said county, by virtue of an alleged majority of legal votes at the last election, which was read.

On motion of Mr Hubbard: *Ordered*, That the memorial be referred to the committee on Privileges and Elections.

Mr. Garth offered the following resolution: *Resolved*, That a committee be appointed to draft a memorial to Congress, asking further time for the payments due the United States for lands that were forfeited the third of July last, and requesting such a reduction from the original purchase, as may be consistent with the interest of the United States: whereupon Messrs Garth, Moore and Hubbard were appointed said committee.

Mr. McVay, from the joint committee appointed to wait on the Governor, and inform him of the organization of the two houses, and of their readiness to receive any communication he might think proper to make, reported that the committee had performed the duty assigned them, and received for answer from the Governor, that he would make a communication in writing to the two houses this day at the hour of twelve o'clock.

A message from the House of Representatives by Mr Tunstall: Mr President,—The House of Representatives have adopted the following resolution in which they desire your concurrence: *Resolved*, that with the concurrence of the Senate, the two houses will proceed to-morrow in joint meeting in the representative hall, to examine, enumerate and ascertain the votes given at the last election for Governor of this State, and to decide and determine on said election.

Mr Perry moved to amend the resolution by adding thereto the words "at 11 o'clock, A. M." so as to proceed to the business at that hour, which was carried. The resolution as amended was then agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A communication was then received from the Governor, by Mr Abbot, which was read, and is as follows:

EXECUTIVE DEPARTMENT, TUSCALOOSA, NOVEMBER 17, 1829.

To the Honorable the Senate and House of Representatives:

FELLOW CITIZENS:—The annual requirements of public duty have led us again to assemble at the Seat of Government. In this meeting you, I have the honor to offer my respectful and affectionate congratulations. On these stated and interesting occasions, the mind very naturally recurs to the contemplation of the peculiar political advantages which we enjoy. Almost every where else the human species are subjected to institutions, and have been drawn into circumstances, which are highly unfavorable to happiness, and to that progressive improvement in knowledge, morals and the arts of life, which tend so much to ameliorate, adorn and dignify the condition of the human family. The energies of man are restrained, and his faculties borne down by arbitrary subjection to the will of others. But here every one has opportunity to pursue his own interests, according to his own volitions, subjected only to the restraints of equal and wholesome laws. We should frequently contemplate these blessings, not in the spirit of vain and boastful exultation, but that we might justly appreciate their value, and learn the most effectual means of ensuring their continuance. Our political circumstances are truly enviable, and should not fail to excite our gratitude in a pecu-

lar degree. The Disposer of the condition of Nations has been most bountiful towards our favoured land, and His gifts should be held in constant and most grateful remembrance. With what faithfulness and provident care should these gifts be preserved, for our own benefit, and that of all succeeding generations, that we may never be justly chargeable with having lost or impaired an inestimable treasure, because we were unconscious of its value. But while on the subject of our present meeting together, I cannot pass unnoticed the improved accommodation which is now afforded to the General Assembly in the State Capitol. Great exertions have been made by the Commissioners and the State Architect, to prepare it for your reception although other less material parts of the building still remain unfinished. I sincerely hope that it will fully satisfy the highest expectations which you have formed of it, and that it may long remain a monument of the liberal ambition, and enlarged but not extravagant munificence of the State. The taste, skill, and experience of the Architect, Capt. Nichols, deserve the highest commendations. In this edifice, beauty and use have been most happily combined, while a system of proper economy has been made to pervade the whole arrangement. How natural it is to wish and to hope, that this public building may be consecrated to the enlightened and harmonious transaction of public business; that within its walls, whatever small and temporary jarrings may occasionally exist without, the representative patriots of the State will always find their common fire side and home, transacting the common business in the liberal justice and generous affection of the same family. May it long remain the council hall, and citadel of liberty.

But to speak more particularly of the state of the Republic: During the current year we have enjoyed a most propitious season, in which the productions of the earth have been unusually abundant; industry remains undiminished in the active steadiness of its laudable pursuits, and receives from the bounty of Providence a fuller recompense; peace and plenty scatter their comforts throughout our land, the desire of becoming more independent of others, by a more extended cultivation of our own available resources, the necessity of which course, a sinister policy has forced upon us, when we would have been content, much more at least to the benefit of others, to have pursued only the cultivation of our accustomed staples, is becoming more general and is better understood; a degree of good health, perhaps unexampled, has pervaded almost every portion of the State, and to crown all these blessings, the laws are faithfully administered by officers who are capable, zealous, and indefatigable, under many difficulties in the discharge of their duties, deserving thereby the high approbation of their country.

It is much in the spirit of true patriotism to act with zeal as if nothing were done, while any thing yet remains to do for the good of the country. Perhaps no human institution was ever made so perfect as not to have admitted of some amendment, either in matter or form, and doubtless our recent system of laws, under which however we might live, and do live happily, admits of material alteration, and should give place to additions and modifications, making it more conducive to its general objects. It is for this purpose, with others, that the people authorize us annually to assemble. The laws of a well regulated community, should be as few and as comprehensive as possible. Comprehensiveness should only be limited by perspicuity. Multiplicity of enactments is every way inconvenient. The introduction of new laws, and the amendment of those already in existence, often require much care

and deliberation, for change and addition are not necessarily the improvement of the system, but may happen frequently to be the reverse. The practical result of laws should be well observed, the evil and the good which attend their provisions, for there is scarcely any institute which is not subject to objections. It may be easy to provide a remedy, but it often happens that those objections can only be removed by the introduction of new and greater ones. We shall always have to submit to some inconvenience, for nothing human is perfect, and the judgment has constant exercise to determine the comparative magnitude of evils which exist, and those which would be introduced by an attempt to remove them. In civil as well as in moral things the tree is known by its fruits. When institutions become moderately perfect, the changes to be made in them ought to be few and far between. They will be received with greater veneration with every successive year which is added to their existence, their antiquity will become a shield to them, their operations will have been long felt and afforded satisfaction; and what is of infinite consequence, they will be more generally and better known.—Frequent change of the laws is liable to the serious objections that it necessarily produces ignorance of the laws. There is such intimate or remote connexion subsisting between laws which have been passed in successive periods of time, that by the repeal or modification of one, others are affected or impaired, but in such a manner as may easily elude the vigilance of the lawgiver, but being discovered afterwards, and an attempt made to provide for it a complexity and confusion is introduced which frequently embarrasses even professional men, and are utterly unintelligible to persons in common life. These considerations should hasten the perfection of our laws to the highest attainable point, and then they should be permitted to receive only few and obvious amendments—retain those that operate well, and correct the defective with a sparing and cautious hand. These reflections and labors belong peculiarly to your department, and are safely confided to your wisdom and patriotism. In discharge of the duty which devolves on this Department, I do not think it necessary at present, to make but few, if any, special suggestions, in regard to the laws.

The Commissioners appointed at the last session to examine, value, class, and select 400,000 acres of relinquished land in the Tennessee valley, which were given to this state by the Congress of the United States, for the purpose of improving the navigation of the Tennessee and other rivers in this state, are understood to have made a return to the Register, and that the land office has been opened for the entry of the lands. As far as I have been able to understand the proceedings, I think the Commissioners have in some degree misapprehended the instructions of the act under which they were appointed, but if any mistake has been committed, I am certain that it was altogether inadvertant and unintentional as there can be no doubt of the high honor, integrity, and intelligence of the Board of Commissioners. Under this impression, however, I consider it my public duty to bring the subject to your notice, that your superior wisdom may more correctly determine. It appears that the commissioners examined the land, assessed a value on it, and selected 400,000 acres, but at the same time they only classed 261,238.59 acres, reporting what is termed in the return *unclassified land* to the amount of 138,756.12, which being added to the classed lands, make an aggregate of 400,000 acres, (lacking only a small quantity,) which the Commissioners term *selected land*. The unclassified lands composing a part of

the 400,000 acres as mentioned above are returned by the Commissioners valued at various prices less than a dollar and a quarter per acre. From an attentive perusal of the 4th, 5th, and 6th sections of the act, it will appear that the Commissioners failed to perform what the act required them to do, and adopted a course of proceeding which the act does not authorize. The act requires the Commissioners to examine the land, to assess its value and class it, "according to the classes and standard of valuation" established by the act, and when the examination of the whole was completed, to select 400,000 acres, which they might deem of the greatest value, and to return a list of the same, together with the class in which every particular tract may have been arranged, to the Register of the land office. The classes were three in number, the whole 400,000 acres were to be included in these classes, and the lowest or most inferior class was not to be valued at less than the minimum price of the lands of the United States. But the Commissioners have not classed the whole of the 400,000 acres, nor have they valued the most inferior class of the selection, at a price not less than the minimum price of the lands of the United States. The distinction of *unclassified lands*, composing at the same time a part of the 400,000 acres selected, was made by the Commissioners, not only unauthorized by the act, but in direct opposition to its express requirements. If the whole of the selection was required to be classed, how could it be in conformity to the requirement, that a portion of it should be returned *unclassified*? The value of the lowest or most inferior class is evidently independent of all examination and is fixed by the act itself; and the valuation of the Commissioners in that class gave them only the power of requiring from \$1.25, the minimum price of the lands of the United States, to three dollars, the minimum of the next class under the act, according as the lands to be arranged in that lowest class, might differ from each other in real and intrinsic value. The Commissioners are required to make a return to the Register of the whole 400,000 acres, together with the class and the price affixed to each particular tract. It would seem that the Commissioners could not have made the return to the Register which the law requires, for how could they state the class of the whole, when the whole had not been classed? Can the Register legally open his office for the entry of the lands until a legal return is made to him? He is required to notify the Land office at Huntsville, and the Commissioner of the General Land office at Washington city what lands have been selected, and to make a fair copy of the return of the Commissioners, "shewing the price and class of each particular tract of land according to its true valuation." How can the Register make this copy when the return has not furnished the means? It is possible that the words "according to its true valuation" which occur only in the 7th section, may have tended to mislead the Commissioners, but it must always be remembered that the act itself subjects the true valuation, at least in the lowest class, to the standard of valuation which it has established. But if it be contended otherwise, and that the true valuation is to be considered the means of determining what lands shall compose even the lowest class, a still greater difficulty awaits us, and the return of the Commissioners itself will shew, that it is impossible to carry the act into effect, and that there is not 400,000 acres in the six enumerated counties, which can be divided into three classes, the lowest class of which may be truly valued at \$1.25 per acre. The law has not been complied with, or it is impossible to comply with it, either of which cases would prove equally fir-

tal to the validity of what has been done. If the act cannot be carried into effect, it is a mere trial or experiment; if it can be carried into effect, but has not been, it still remains to be done by a suitable effort. The Commissioners according to their own return have not been able to find 400,000 acres which can be classed into three classes according to the standard of valuation, as the act requires to be done. In this event had the Commissioners any power to adopt a remedial or substituted course at their own discretion, and would a return made under such circumstances authorize the Register to open his office for the entry of the Lands? The return contemplated by the law seems not to have been made to the Register, although a return has been made to him, and much as it is to be regretted, the whole proceeding appears to be irregular and invalid. If this should be the determination to which the wisdom of both houses will arrive, a remedy may be provided by an explanatory act, and the Commissioners who have performed the laborious duty of the examination, and are in possession of the necessary memoranda might be again directed to assemble to class the whole of the land and fix the value under the direction of such explanatory act. The difficult part has been fully performed, the error, if any, only applies to the arrangement of the results. The measure has so far proved unaccomplished and whatever has been done admits of any correction which the honor or interest of the state, consistent with due justice and liberality towards the occupants of the land, may require. Those who have already entered lands may receive a return of their money until the arrangements for entry may become regular and complete. The General Assembly cannot be bound by any thing which has been done by their agents unless it be in conformity to instructions, and powers which were given as in this case, by a public law of the land. No citizen can avail himself, morally or legally, of benefits derived from the violation of such a law.

It is proper here to observe, that the proceedings under the act have not been considered entirely satisfactory either at home or abroad. So far as can yet be learned, the impression prevails, that the land has been valued too low, and this impression may so extend and gather strength, that it will finally affect and do violence to the liberal spirit in the Congress of the United States which prompted the donation. From the peculiar circumstances of the case, the reputation of the state is liable to be involved, and nothing should be left undone which may place the perfect integrity and honor of the state in the clearest light. The state was anxious that the donation should prove beneficial to the full extent of its worth, and denoted its value to be assessed in this way, most likely to ascertain its real value. If an auction sale had been resorted to, then the charge might have been made of extensive and interested combinations to bid off the land below its value. It is very certain that even here, the lands were anticipated to be far more valuable, than they would be found to be upon a full and careful examination, and this misapprehension would be still more likely to prevail, even to a greater extent, in other places. The State had the difficult business to perform of disposing of property, to the satisfaction of parties in interest, upon which an unreasonable estimate had been placed. Under all the circumstances of the case, the reasonable presumption is, that the lands have not really been valued too low, but the reputation of the state demands that the inquiry should be made. It seems to me that the subject is still open for the exercise of the discretion of the General Assembly, that something must still be done to carry the act into effect, and that the proceedings

on it have been irregular and inconclusive. If errors have gone abroad, or are entertained at home, the honor of the state requires that they should receive all the correction of which they may be susceptible. The agency of the state in regard to this liberal donation, should be placed beyond censure, and if possible above all suspicion. The utmost integrity has influenced its councils, and they must not be suspected of any obliquity. I beg leave to recommend this important subject to the earliest consideration of the General Assembly. With regard to the best mode of applying the funds to the accomplishment of the work, which will doubtless receive your most attentive consideration, I only think it necessary to renew the recommendation which I had the honor to make at the last session of the General Assembly.

The affairs of the Bank of the State of Alabama will claim a due portion of your attention. Every facility of operation, every means of security, and every form of public encouragement should be afforded to this interesting Institution which is the common property of the people of the State, and confided to the care and protection of the Representatives. Its public benefits are sensibly felt, not only in its currency and accommodations, but in the safe deposit and constant improvement of all our public funds. From a knowledge of its transactions, and the course of its business, I am fully persuaded, that it will be expedient, either this year, or as soon as possible, to establish an office of it in the city of Mobile. The Tennessee Valley also, as has been frequently suggested, presents an important locality for an office of the Institution. It is unnecessary to go into details on this subject, as you will have the means of obtaining the fullest information from the highest sources. The condition of the Bank is prosperous, and it still promises to realize all the hopes and expectations of the country. A communication was made to the principal capitalists of the United States on the subject of the loan, but without an opportunity of making a satisfactory arrangement. A future period, it is thought, will be more favorable if the State should be inclined to obtain the loan.

I hope I may be permitted again to press on the attention of the General Assembly, the insufficiency of the salaries now received by the Judges of the State, the Attorney General, and the Solicitors. It were superfluous, certainly, to descant on the public importance of these state officers; the administration of justice, and the able prosecution of public offenders, are known to be at the foundation of all our civil prosperity, and without these, our institutions, however wise and beneficent, would fail to produce their legitimate results. It is evident that the labors of the Judges are becoming more arduous, and that the public have a constantly increasing interest in the due discharge of the duties which devolve on them. The compensation should be such as to satisfy the reasonable expectations of the best legal talents, and the highest integrity which we can command. We cannot expect to have the benefit of distinguished services, unless we reward them by moderate and suitable acknowledgements. The Judges should receive a sum at least sufficient to make a decent and suitable provision for their families, as they are almost entirely prevented from attending to their private concerns, by the continual demands of public duty. It cannot, surely, be unworthy of your attention, to adopt such measures as will insure the best services in future, and at the same time retain those which we have the good fortune already to possess. The office of a solicitor, I am persuaded, is much underrated, at least, the compensation would seem to justify such an opinion. As they are the legal organs of the State, in a difficult and

important branch of its service, they should possess high character and qualifications. We cannot always expect to have such men at the compensation now allowed; a shade of discredit, at least the idea of non-importance is thrown on the office by the amount of the salary. Something should be done to raise it to the dignity which ought to belong to it. The salary should be made at least double what it is now. I have no doubt that it would be highly expedient to require them to attend the sessions of the legislature, with the per diem pay of the members. Their presence would be very necessary in all impeachments, as counsel learned in the law, and they could always greatly aid and expedite legislative business. Their services at all times would far exceed the amount of their compensation.

At the last session of the General Assembly, a strong but temperate memorial was addressed to the government of the United States, on the subject of the last tariff imposed on imported articles. It is hoped that more mature reflection, as well as the experience of many places, will have combined to produce the conviction, that it threatens the country in general with many evils, without producing even the common share of insulated benefits, which frequently attend even bad measures. Its impolicy, injustice and unconstitutionality, may be truly said to become every day more apparent. It would seem to have had its principal spring in desires and passions of our nature, which are certainly the least respectable, and are more likely to produce feelings of just indignation, than to conciliate or reconcile. Judicious and temperate efforts for the constitutional repeal of this obnoxious measure, should in no wise be intermitted; the argument, if argument can still have place, should be more full, and the tone more earnest. In the mean time no expedient should be left unessayed the more fully to counteract it. The dictates of honorable interest, as well as the love of country, not that sickly and contracted sentiment, which can only embrace the small circle of our own selfish pursuits, but that which is the offspring of enlarged benevolence and generous philanthropy, should prompt us to do away as speedily as we can this pernicious error.

I feel it my duty to recommend to your attention a revision of the criminal laws of the state, not with a view to introduce new sanctions, but to insure the proper application of those which are already provided. It too frequently happens that criminals, especially those who are affluent, influential, or who have many friends, escape the punishment which is due to their crimes. It is painful to hear the remark, that it is difficult to convict such a criminal, however clearly his guilt may be established. The present mode of obtaining the jury seems to be principally chargeable with the fault. I consider it every way too little guarded, and affording more evidence of undistinguishing clemency, than of that human wisdom which embraces with equal care the rights of the accused, and the demands of social justice. In most of our forms of criminal prosecution, derived principally from other times, may be seen more of the ancient caution and struggles of liberty against power and oppression, than of those well balanced and reciprocal institutes, which are required in a more improved and safe state of society. I know it may be difficult to devise a system to which no plausible objection can be made, but doubtless your careful deliberations may provide a better one than that now in use.

The policy adopted by the executive government of the United States towards the Indian tribes residing within the limits of this and other states, has been officially announced to this department, a copy of which

will be laid before you. It seems alike calculated to do justice to the States, and to promote the best interest and happiness of the Indians. There can be but little doubt of its ultimate and speedy success.

The buildings of the University, in which the State cannot but take the deepest interest, are progressing very handsomely, and will be ready for occupation, as soon as the other arrangements for the commencement of the institution can be made. Here again the services of the State Architect are highly necessary and valuable. It is fondly hoped, that the style of the buildings, the materials, and workmanship, will fully meet the expectations of the state, and prove every way suited to the great objects to which they are to be devoted.

The case of the quo warranto against the Tombeckbe Bank, was decided at the last session of the Supreme Court, in favor of the Bank. Able counsel was employed on the part of the State, whose report will be submitted to you so soon as it may be received.

The accounts heretofore remaining unsettled between this State and the State of Mississippi, have been finally adjusted. The State of Mississippi has transferred and forwarded to this department, the bonds of the defaulting tax-collectors, who resided within the limits of this State, (then a territory,) at the time of its separation from the State of Mississippi, and they have been placed in the hands of the Comptroller of public accounts, that the proper steps may be taken for their collection. Some of them are perfectly good, and it is hoped that from two to three thousand dollars may be collected on them.

The following appointments were made during the recess of the General Assembly, viz: William B. Wallace, Judge of the County Court of Lauderdale county, in the place of William S. Fulton, resigned; William I. Mason, Judge of the County Court of Limestone county, in the place of Daniel Coleman, resigned; George Bowie, Judge of the County Court of Conecuh county, in the place of John Dean, removed; Roddy Smith, Judge of the County Court of Fayette county, vice John McConnell, resigned; and David Murphree, Judge of the County Court of Walker county, vice S. D. Read, resigned. I have just received the resignation of John Elliott, Esq. late Solicitor of the first Judicial Circuit, which I have the honor herewith to transmit you.

In closing this communication, I am filled with peculiar emotions of respect, affection and gratitude while I contemplate the near dissolution of the relation which I have sustained towards the General Assembly for the last four years. On every occasion I have experienced the kindest indulgence. I have been encouraged by the most liberal support, and in my feeble attempts to serve the country have met with all proper co-operation. These grateful recollections cannot be erased from my memory. To the people I owe a debt of gratitude which can never be fully discharged. Towards you my ardent wishes are that you may merit and receive the highest rewards in the service of your country, that its honor and interests may prosper in your hands. May the blessing and guidance of heaven attend you in the transaction of the public business in which you are about to be engaged.

JOHN MURPHY.

Wednesday, November 18.—The Senate met pursuant to adjournment.

Mr Perry presented the petitions of sundry inhabitants of Dallas County, on the subject of a public road in said county, which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr. President laid before the Senate, the notice given by James Jackson to Hugh M. Vay, of his intention to contest his right to a seat in the pre-

sent Senate, and setting forth and specifying the grounds of said contest, which was referred to the committee on privileges and elections.

A message from the House of Representatives by Mr M'Clellan. Mr President, The House of Representatives have adopted the following resolution, in which they desire your concurrence: *Resolved*, That a joint committee be appointed to inquire of the propriety of re adopting, and urging upon the consideration of the Congress of the United States, the important matters embraced in the memorial of the legislature of this State, at the last session concerning the public lands, and rights of pre-emption in favor of actual settlers and relinquishers; and to inquire whether said memorial ought to embrace any additional matter, and if so, to report a suitable memorial for the purpose. They have appointed on their part Messrs Parsons, Goldthwaite, and Mardis. On motion of Mr. Hubbard, *Ordered*, that the resolution lie on the table.

On motion of Mr. Walthall, the annual communication of the Governor, received on yesterday, was taken up and committed to a committee of the whole House, and made the order of the day for to-morrow.

Mr Anderson introduced a bill to be entitled an Act to authorize the courts of this state to render judgment final against the security of non residents; which was read and ordered to a second reading to-morrow.

Mr. Anderson also introduced a bill to be entitled an Act to give the Circuit Courts of this State concurrent jurisdiction with the Snpreme Court in giving judgment final against the security in writs of error bonds, which was read and ordered to a second reading to-morrow.

Mr Conner introduced a bill to be entitled an act making appropriations for certain claims against the state, which was read; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith, amended on Mr. Irwin's motion, and committed to the committee on accounts and claims.

Mr Vining offered the following resolution: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of repealing or amending the 29th section of an act, approved January 12, 1827, to reduce into one the several acts concerning roads, bridges, ferries and highways, requiring apportioners of hands to return a list of their apportionment to the clerk of the county court, which was adopted.

Mr Smith offered the following resolution: *Resolved*, that the door keeper be authorized and instructed to procure for the use of the Senate a suitable number of chairs, benches, and spit-boxes, and also such fuel and stationary as may be required for the Senate during the present session, which was adopted.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Thursday, 19th Nov.—The Senate met pursuant to adjournment.

Mr Evans, a Senator from the district composed of the counties of Maxengo and Wilcox, appeared and took his seat.

Mr Vining, from the committee on accounts and claims to which was referred a bill to be entitled an act making appropriations for certain claims against the state, reported the same as amended, which was concurred in. The bill was then read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr President presented to the Senate a communication addressed to him, and received by mail, containing testimony in the matter of the contested election between Hugh McVay and James Jackson, which was referred to the committee on privileges and elections.

Mr Walthall introduced a joint resolution, proposing amendments to the

constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof; which were read and ordered to a second reading to-morrow.

Mr Pickett offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so amending the constitution of the State of Alabama, that the Legislature thereof shall not remain in session longer than five weeks unless in case of great emergency, and supported by the vote of three fourths of both branches, which was adopted.

Mr Morton offered the following resolution: *Resolved* by the Senate, that the committee on propositions and grievances be instructed to inquire into the expediency of establishing a penitentiary in this state, which was adopted.

Mr Irwin offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of causing the dividing line between Alabama and Florida to be defined, either by memorial to Congress, or otherwise, which was adopted.

Mr Watkins, from the committee on privileges and elections, submitted the following report: The committee on privileges and elections, to whom was referred the memorial of James Jackson of Lauderdale county, on the subject of the contested election of said county, Report, that in consequence of the failure to reach this place, through the post office, of the depositions, the committee are unable to proceed, and likewise beg leave to state that Mr Jackson wishes the Senate to allow him to send for copies of said depositions, under such directions as the Senate may deem proper. Ordered that the report lie on the table for the present.

Mr Pickett offered the following resolution: *Resolved*, with the concurrence of the House of Representatives, that the two Houses of the General Assembly will adjourn *sine die* on the 24th day of next month, at 1 o'clock, P. M. Mr Hubbard offered the following amendment to the resolution: "unless two thirds of each house shall then be of opinion that the public good require they should continue longer in session;" which was adopted. The resolution as amended, was then adopted. Ordered that the Secretary acquaint the House of Representatives therewith.

The following communication was received from the Governor by Mr Abbott:

EXECUTIVE DEPARTMENT, NOV. 18, 1829.

The Honorable the President and Members of the Senate:

Gentlemen:—I have just received from the Sheriff of Morgan county the information that his Honor Stephen Heard, judge of the county court, had departed this life on the 13th inst. It is suggested that an early appointment will be convenient to the county, as the regular period for the commissioners court will be on the first Monday in December next. I have the honor to be, most respectfully, your obedient servant.

JOHN MURPHY.

Ordered that the communication lie on the table.

Mr President laid before the Senate the following communication from the Comptroller of Public Accounts:

COMPTROLLER'S OFFICE, Tuscaloosa, Nov. 18, 1829:

To the Honorable the President of the Senate of the State of Alabama.

Sir:—In obedience to an act of January 12th, 1827, requiring the Comptroller of Public Accounts to lay before both Houses of the General Assembly annually in the first week of its session a full expose of the disbursements made from the contingent fund, to whom paid, and for what services,

I have the honor to present the enclosed statement, marked A. I am, very respectfully, your obedient servant.

SAMUEL PICKENS.

Ordered that the communication lie on the table, and that 50 copies of the report be printed for the use of the Senate.

Mr. McVay presented the account of George W. Sneed, and of Jesse B. Roberts, against the state; which were referred to the committee on accounts and claims.

Mr. Hubbard presented the account of John Beacham against the state; which was also referred to the committee on accounts and claims.

Mr. Perry introduced a bill to be entitled an act more effectually to prevent judges of the circuit courts from charging juries on matters of fact, and the better to secure the right of trial by jury; which was read and ordered to a second reading to-morrow.

Mr. Moore offered the following resolution: *Resolved*, that the judiciary committee be instructed to enquire into the expediency of allowing to the state a peremptory challenge of jurors in the trial of capital cases; which was adopted.

Mr. Perry introduced a bill to be entitled an act to discontinue and establish certain election precincts herein named; which was read and ordered to a second reading to-morrow.

A message from the House of Representatives by Mr. Tunstall. Mr. President, The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be invited to be present in the Hall of the House at 11 o'clock to witness the publication and enumeration of the votes for Governor.

Ordered that the Senate concur in the resolution, and that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to give the circuit courts of this state concurrent jurisdiction with the supreme court, in giving judgment final against the security in writs of error bonds; and, an act to authorise the courts of this state to render judgment final against the security of non-residents—were severally read the second time, and referred to the committee on the judiciary to consider and report thereon.

Mr. Morton offered the following resolution: *Resolved* by the Senate, that a select committee, consisting of five members, be appointed to inquire into the expediency of altering the mode of voting in general elections, with leave to report by bill or otherwise; and the question being put on the adoption of the resolution, it was determined in the negative. Yeas 9—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Anderson, Conner, Edmonson, Hogan, McVay, Moore, Morton, and Watkins.

Those who voted in the negative are, Messrs Abercombie, Crawford, Evans, Garth, Hubbard, Irwin, Merriwether, Perry, Pickett, Smith, Vining, and Walthall.

Mr. Hubbard offered the following resolution: *Resolved*, that a messenger be appointed by this House, to obtain from the proper magistrates of Lauderdale county, the copies of the depositions which have been taken in the contest now pending in this Senate for a seat, between Hugh McVay and James Jackson, as senator from the county of Lauderdale, which copies when received and certified by the respective Magistrates to be true copies, shall have the same force with the original depositions, unless the originals shall have sooner been received by mail. *Ordered*, that the resolution lie on the table.

Mr. Morton offered the following resolution: *Resolved*, that the door keeper be instructed to procure a sufficient quantity of cheap carpeting for the use of the floor of the Senate chamber; which was adopted.

And then the Senate adjourned till half past two o'clock, this evening.

Evening Session.—A message from the House of Representatives by Mr. Tunstall, their Clerk. Mr. President,—The House of Representatives have passed a bill which originated in their house, entitled an act to suspend the sale of the lands granted to the State of Alabama, for the purposes of internal improvement: In which they desire the concurrence of the Senate.

A bill from the House of Representatives entitled an act to suspend the sale of the lands granted to the State of Alabama, for the purposes of internal improvement, was read. Mr Vining moved that the rule requiring bills to be read on three several days be dispensed with and that the bill be read the second time forthwith, which was lost. *Ordered*, that the bill be read the second time to-morrow.

The Senate, according to order, resolved itself into a committee of the whole on the Governor's message, Mr Pickett in the chair; and after some time spent in the consideration thereof, the committee rose: Mr President resumed the chair, and Mr Pickett reported the following resolutions:

1. *Resolved*, that so much of the Governor's message as relates to the state capitol, be referred to the standing committee on that subject.

2. *Resolved*, That so much of the Governor's message as relates to the Bank of the State of Alabama, be referred to the committee on the Bank.

3. *Resolved*, That so much of the Governor's message as relates to the funds arising from the sale of the lands granted to this state by the general government, for the improvement of the navigation of the Tennessee and other rivers, be referred to a special committee.

4. *Resolved*, that so much of the Governor's message as relates to the University, be referred to the committee on schools and colleges and school and college lands.

5. *Resolved*, that so much of the Governor's message as relates to the revision of the criminal laws of this state, be referred to the committee on the judiciary.

6. *Resolved*, that so much of the Governor's Message as relates to the Indian tribes within the chartered limits of this state, be referred to a special committee.

7. *Resolved*, that so much of the Governor's message as relates to the tariff or imposition of duties on imported articles be referred to a special committee.

8. *Resolved*, that so much of the Governor's message as relates to an increase of the salaries of the judges and solicitors be referred to the committee on the judiciary.

9. *Resolved*, that so much of the Governor's message as relates to the quo warranto against the Tombeckbe Bank, be referred to the committee on the judiciary.

10. *Resolved*, that so much of the Governor's message as relates to the bonds of defaulting tax collectors of the late Mississippi territory, transferred to this state by the state of Mississippi, be referred to a special committee. All of which were severally read and adopted.

Agreeably to the third resolution, Mr President appointed a special committee, to consist of Messrs Hubbard, Edmondson, and Perry; agreeably to the sixth resolution, Mr President appointed a special committee to consist of Messrs Garth, Merriwether and Anderson; agreeably to the seventh resolution, Mr President appointed a special committee to consist of Messrs Walthall, Crawford and Watkins; agreeably to the tenth resolution, Mr President appointed a special committee to consist of Messrs Vining, Wood and Moore.

A message was received from the House of Representatives by Mr Tam

stall their clerk, inviting the Senate to assemble in the hall of the House of Representatives, for the purpose of opening and publishing the returns of the late election for Governor; whereupon the members of the Senate repaired to the hall of the House of Representatives, and having taken their seats, Mr Speaker proceeded to open and publish the returns from the several counties in this state, from which returns had been received; which having been done, Mr Speaker declared Gabriel Moore, esquire, to have received ten thousand nine hundred and fifty six votes for the office of Governor of this state. Mr Speaker, therefore, arose and announced, that Gabriel Moore, esq. was duly and constitutionally elected Governor of the State of Alabama. for the ensuing two years.—And then the Senate withdrew and retired to their own chamber and Mr President resumed the chair.

Mr Smith offered the following resolution: *Resolved*, that a committee of two members be appointed on the part of this house, to act jointly with such committee as may be appointed on the part of the House of Representatives; to inform his Excellency Gabriel Moore, of his election to the Chief Magistracy of this state, and to inquire when it will be convenient for him to take the oath of office; which was adopted; whereupon Messrs Smith and Hogan were appointed the committee on the part of the Senate. Ordered that the secretary acquaint the House of Representatives therewith.

Mr Evans offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of abolishing county courts, and of establishing a court of ordinary, which was adopted.

Mr Hubbard offered the following resolution: *Resolved*, that his Excellency the Governor, be requested to communicate to this house, any facts within his knowledge, the existence of which, have a tendency to impair the character of the state abroad, in relation to the disposition of the public lands, and any information prejudicial to the character of any of the commissioners appointed to examine, value and select those lands; which was adopted.

A message from the House of Representatives by Mr Tunstall: Mr President, the House of Representatives concur in the resolution of your honorable body appointing a committee to inform his Excellency Governor Moore, of his election to the Chief Magistracy of this state, and to inquire when it will be convenient for him to take the oaths of office: They have appointed on their part Messrs Moore, Bibb and Goldthwaite.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Friday, November 20, 1829.

The Senate met pursuant to adjournment.

Mr President laid before the Senate the following communication from the President of the Bank of the State of Alabama.

BANK OF THE STATE OF ALABAMA, Tuscaloosa, Nov. 19th, 1829.

To the Hon. Levin Powell, President of the Senate.

SIR—Agreeably to the provisions of the 12th section of an act entitled “an act to establish the Bank of the State of Alabama,” I have the honor to lay before that branch of the General Assembly over which you preside, the annual statement in relation to the said Bank, to wit:—Capital stock of the Bank, \$463,690 60 3 4; Notes in circulation, \$438,451; Money on deposit, \$118,625 72; Debts due the Bank, \$614,157 51; Property real and personal, \$10,587 16; Cash and Bills of Exchange, \$463,728 22 1-4; for the further information of the General Assembly, I beg leave to communicate the accompanying document, which exhibits the result of the operations of this institution for the last twelve months, ending the 9th inst. and also a statement shewing the profits of the Bank, each year, since its establishment, all of which is respectfully submitted,

By order of the Board,
JNO. L. TINDALL, Pres't. &c.

AN ABSTRACT of the annual settlement of the books of the Bank of the State of Alabama, for the year ending 9th day of November, 1829.—Made under the direction of the President and Directors.

Gain. By discount, 39,900 dollars 33 cents; by premiums, 1755 dollars 75 cents; by interest, 3,909 dollars 66 cents; and by profit and loss including 3,689 dolls. 58 cts., paid from said account to the University fund, on the 26 May last, being a half year's interest on same,

\$50,845 00
5,577 62

Loss. For expenses of the institution for 12 months, ending this day,

\$100,000

45,267 38

Balance on which dividends are declared equally in proportion to stock, at 9 3/4 per cent for 12 months ending this day,

University fund,

128,654 36 1/2

9,750 00

Three per cent fund,

87,794 74

8,559 99

Seat of Government fund,

53,455 81 1/2

5,311 94

Revenue fund,

93,785 64 1/2

9,144 10

Interest paid to sixteenth sections at 6 per cent to this date,

46 81 45,267 38

Unappropriated balance left to credit of profit and loss,

50,845 00

Disbursements

Gross gain brought down,

9,144 10

Dividend declared to the revenue fund as above, and taken to credit of revenue fund,

4,994 59

Gain to same by the University fund being restricted to 6 per cent interest,

3,750 00

Dividend declared and this day paid to the three per cent fund,

17,888 69

Dividend declared and this day paid to the six per cent fund,

8,559 99

Interest paid to the sixteenth sections at 6 per cent to this date,

5,211 94

100,000 dollars specie loan for 12 months ending the 1st October last,

6,000 00

University fund this day,

7,549 21

Current expense account paid in full for

5,577 62

Balance,

46 81 50,845 00

Statement shewin the gross gain of the Bank each year since its establishment and how disposed of.

	18 5.	18 6.	18 7.	1828.	1829.	Total.
Three per cent fund, Seat of Government fund, University fund, Six per cent loan, Expenses, Revenue fund,	16,822 07 1/2 33,311 40 1/2 38,770 71 59,151 82 50,787 45 198,343 45	5,091 00 5,099 86 4,439 69 6,000 00 3,439 49 9,741 11 1/2	6,018 73 3,978 73 5,827 96 6,000 00 5,019 99 11,915 28	9,568 08 5,983 45 6,730 99 6,000 00 7,493 61 23,575 69	8,559 99 5,211 94 7,549 21 6,000 00 5,577 67 17,888 69	29,227 32 10, 73 98 27,661 34 30,000 00 29,259 54 1/2 61,9 6 77 1/2

Paid the sixteenth sections,

10 74

Unappropriated,

46 81

Not included in 1829.

\$57 55

BANK OF THE STATE OF ALABAMA, Tuscaloosa; 9th Nov. 1829.

J, B. COOK, Cashier.

Ordered that the communication and accompanying document lie on the table and that five hundred copies thereof be printed for the use of the Senate.

Mr Smith from the joint committee appointed to wait on his Excellency Gabriel Moore and inform him of his election to the office of Governor of this state, and to ascertain when it will suit his convenience to take the necessary oaths of office, reported that the committee have performed that duty, and received for answer that he will attend on Saturday next at the hour of 12 o'clock for that purpose.

Mr McVay presented the account of John Dicky, jailer of Lauderdale county against the state, which was referred to the committee on accounts and claims.

Mr Anderson introduced a joint resolution providing for the appointment of a joint committee to investigate and examine the proceedings of the commissioners elected at the last session to select, class, and value the lands granted to this state by the General Government for the improvement of the navigation of the Tennessee river; which was read and ordered to a second reading to-morrow.

Mr Moore offered the following resolution: *Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of uniting the offices of State Treasurer and Cashier of the State Bank; which was adopted.

Mr Hogan offered the following resolution: *Resolved* by the Senate with the concurrence of the House of Representatives, that the two houses will assemble in the hall of the House of Representatives, on Monday next, at the hour of 3 o'clock P. M. for the purpose of going into the election of a state printer, which was adopted. Ordered that the secretary acquaint the House of Representatives therewith.

Mr Merriwether presented the petition of Jane Tune, and of sundry citizens of Greene county in her behalf, praying the passage of a law, exempting the property acquired by the said Jane, since she has been abandoned by her husband, from the payment of his debts, which was read and referred to a special committee consisting of Messrs Merriwether, Anderson and Walthall.

Mr Abercrombie offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of confining justices of the peace and constables, to their respective beats; which was adopted.

Mr Irwin introduced a bill to be entitled an act to alter the time of holding courts in the sixth circuit, which was read and ordered to a second reading to-morrow.

Mr Garth introduced a bill to be entitled an act to reduce the price of public lands in the counties of Madison and Morgan to the price of like lands in other counties, which was read and ordered to a second reading to-morrow.

On motion of Mr. Smith, Messrs Hogan and Evans were added to the committee on privileges and elections.

Mr Garth gave notice that he would on to-morrow move the adoption of the following as one of the rules of the Senate. In every case where it is desirable to add a member to a committee notice shall be given and a question shall be taken whether a member shall be added to such committee before the member is nominated that is intended to be added.

Mr Irwin moved that a standing committee be appointed on the public printing; which was carried, whereupon Messrs. Irwin, Morton, Crawford Evans and Conner were appointed.

A bill to be entitled an act to suspend the sale of lands granted to the state of Alabama for the purposes of internal improvement was read the second time.

Mr Hubbard moved that the bill be committed to the committee on the judiciary; which was carried; yeas 18, nays 4. The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Anderson, Conner, Crawford, Edmondson, Irwin, Evans, Hogan, Hubbard, M'Vay, Merriwether, Morton, Perry, Pickett, Smith, Watkins, and Wood. Those who voted in the negative are Messrs Garth, Moore, Vining and Walthall.

A bill to be entitled an act to discontinue and establish certain election precincts therein named was read the second time, and laid on the table.

A bill to be entitled an act more effectually to prevent judges of the circuit courts from charging juries on matters of fact, and the better to secure the right of trial by jury was read the second time, and referred to the committee on the judiciary to consider and report thereon.

Joint resolutions proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof, were read the second time. *Ordered*, that the resolutions lie on the table and that thirty copies thereof be printed for the use of the Senate.

Mr Anderson offered the following resolution: *Resolved*, that the committee on county boundaries be instructed to enquire into the expediency of arranging and designating the boundaries of the several counties in this State; which was adopted.

On motion of Mr. Abercrombie, *Ordered*, that Mr. Morton be added to the committee on propositions and grievances.

On motion of Mr. Watkins. *Ordered*, that Mr. Anderson be added to the committee on county boundaries.

Mr Perry offered the following resolution: *Resolved*, that the Governor be requested to furnish the senate with a statement of the selection, class and valuation of the lands appropriated by congress for the improvement of the navigation of the Tennessee and other rivers in this state, if the same be in his possession; which was adopted.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Saturday, Nov. 21, 1829.

The Senate met pursuant to adjournment.

Mr Perry from the committee on the judiciary to which was referred a bill to be entitled an act to give the circuit courts of this state concurrent jurisdiction with the supreme court in giving judgment final against the security in writ of error bonds, reported the same without amendment. *Ordered*, that the bill be engrossed, and made the order of the day for a third reading on Monday next.

Mr Perry from the same committee to which was referred a bill to be entitled an act to authorize the courts of this state to render judgment final against the security of non-residents, reported the same without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a third reading on Monday next.

Mr Watkins presented the following communication from Mr James Jackson:

To the Hon. John Watkins, Chairman of the Committee on Privileges and Elections.

The undersigned memorialist begs leave to inform your committee that the depositions taken and forwarded by mail, to the President of the Senate before his departure from home, in the contested election between memorialist and Hugh M. Vay, Esq. for a seat in the Senate, have not yet arrived at the post office, where application has been made for them. The depositions forwarded since memorialist left Lauderdale county, were received at the post office on last Wednesday night.

The Hon. L. Powell, post master at this place, has informed memorialist that there is great irregularity in the mails between this place and Florence, from the bad management of intermediate post offices, from which may reasonably be inferred the loss or miscarriage of said depositions.

Memorialist not having power or control over the originals, so as to insure their arrival, cannot be prejudiced in his claim to a seat in the Senate as a member from Lauderdale county, nor can he now obtain the copies in the custody of Alexander H. Wood, Esq. before whom said depositions were taken. Memorialist gave notice of the times and places of taking

said depositions of witnesses, which were served in part personally on said Hugh M'Vay, Esq. Memorialist did not attend in person to the taking of said depositions, but has seen the magistrate, Alexander H. Wood, Esq. of Florence, before whom they were taken, who informed memorialist that he had forwarded them by mail, directed to the President of the Senate. All of which memorialist submits to the honorable committee over which you preside.

JAMES JACKSON.

Tuscaloosa, Nov. 19th. 1829.

Ordered that the communication be referred to the committee on privileges and elections.

A message from the House of Representatives by Mr Tunstall—Mr President: The House of Representatives have passed a bill which originated in the Senate entitled an act making appropriations for the payment of certain claims against the state of Alabama. They have passed a bill which originated in the House entitled an act to change the mode of compensating jurors in the county of Pike, in which they desire the concurrence of the Senate. They concur in the resolution of the Senate, proposing to go into the election of a State printer on Monday next at the hour of 3 o'clock P. M. and have amended the same by adding after the word "*Printer*" the words "whose term of service shall commence on the 18th day of January next," in which amendment they also desire your concurrence. Ordered that the Senate concur in the amendment made by the House of Representatives to the resolution relating to the election of State Printer: Ordered that the Secretary acquaint the House of Representatives therewith.

A bill from the House of Representatives entitled an act to change the mode of compensating jurors in the county of Pike was read and ordered to a second reading on Monday next.

Mr Pickett introduced a bill to be entitled an act more effectually to secure trials in capital cases by impartial jurors which was read and ordered to a second reading on Monday next.

Mr Irwin offered the following resolution: *Resolved*, that the Secretary of State be instructed to furnish the Senate with such evidence as may be in his office relative to the manner in which the public printer has performed his duty in distributing the acts and journals of the last session, which was adopted.

Mr Hogan offered the following resolution: *Resolved*, That the Senate will on Monday the 23rd instant at the hour of 11 o'clock A. M. proceed to the election of a committee on the part of the Senate to act with such committee as may be elected by the House of Representatives for the purpose of examining into the condition of the Bank of the State of Alabama pursuant to the provisions of an act entitled an act to amend the charter of the Bank of the State of Alabama and that the House of Representatives be informed thereof which was adopted.

A bill to be entitled an act to alter the time of holding the courts in the sixth circuit, and an act to reduce the price of public lands in the counties of Madison and Morgan to the price of like lands in other counties were severally read the second time and referred to the committee on the judiciary to consider and report thereon.

Joint resolution providing for the appointment of a joint committee to investigate and examine into the proceedings of the commissioners elected to class and value the lands granted to this state for purposes of internal improvement was read the second time. Mr Hubbard moved that the resolution lie on the table for the present; which was lost, yeas 10, nays 10.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Edmondson, Evans, Garth, Hubbard, Irwin, Meriwether, Pickett, Smith, and Wood.

Those who voted in the negative are Mr President, Anderson, Conner, Crawford, Hogan, Moore, Perry, Vining, Walthall, and Watkins.

Ordered that the resolution be engrossed and made the order of the day for a third reading on Monday next.

Mr Moore from the joint committee on enrolled bills reported as correctly enrolled, an act making appropriation for the payment of certain claims against the state of Alabama which was accordingly signed by Mr President.

A message from the House of Representatives by Mr Tunstall: *Mr President:* The House of Representatives have adopted the following resolution: *Resolved*, with the concurrence of the Senate that a committee of two members be appointed on the part of each House for the purpose of waiting on His Excellency the Governor elect when the hour of 12 o'clock shall arrive this day and to inform him that the two Houses are then ready to receive him in the Representative Hall for the purpose of witnessing the administration of the oaths of office, in which they desire your concurrence. They have appointed on their part Messrs Bibb and Young said committee: *Ordered*, That the Senate concur in the foregoing resolution, whereupon Messrs Vining and Perry were appointed a committee on the part of the Senate: *Ordered*, That the Secretary acquaint the House of Representatives therewith.

The following communication was received from the Governor by Mr Abbott:

EXECUTIVE DEPARTMENT, November 19th, 1829.

To the Hon. the President and members of the Senate.

GENTLEMAN:—It affords me great pleasure to reply to the resolution of the Senate which I had the honor to receive this morning, requesting me to communicate any facts in my knowledge the existence of which have a tendency to impair the character of the state abroad, in relation to the disposition of the public lands, and any information prejudicial to the character of any of the commissioners appointed to examine, value, and select the lands. On the first branch of the resolution, I have the honor to state that I am not in possession of any facts which are not open to, and no doubt more fully possessed by the Senate. They originate in the reports, the common fame of the day. It seems to be the fact that the proceedings under the act of the General Assembly have not had the good fortune to give general satisfaction even in this state—that particular instances are publicly given which tend to throw discredit on the operation. These things whether true or otherwise are calculated to go abroad, may then receive some credit, and thus injure the reputation of the state, by implicating the intention, or wisdom of its arrangements to execute a high and important trust, reposed in it by the General Government, while in truth its sole and single design was to execute the trust, in the most faithful and beneficial manner. It seems to be the fact also that unfavorable reports have already gone abroad and produced a false impression, which if suffered to continue, would be injurious to the character of the state. On the second branch of the resolution, I know nothing beyond the reports which are commonly spoken of, with the exception of what is contained in the letter which I have the honor herewith to transmit. I was not in possession of the contents of this letter, until after I had communicated to you the opening message, intending only upon that occasion to speak of the proceedings of the commissioners in such a manner as would seem to be justified by their own statement. This is deemed a proper occasion to communicate the letter. I have the honor to be, most respectfully, your obedient servant,

JOHN MURPHY.

Ordered, that the communication together with the accompanying document, lie on the table. The following communication was also received from the Governor by Mr Abbott:

EXECUTIVE DEPARTMENT, Nov. 20th, 1829.

To the Hon. the President and members of the Senate.

GENTLEMEN:—In obedience to the resolution of your honorable body requesting the Governor "to furnish the Senate with a statement of the section, class and valuation of the lands appropriated by Congress for the improvement of the Tennessee and other rivers in this state, if the same be in his possession," I have the honor to reply that no official statement was made nor was it required in the act to be made to this Department. The statement which was considered to be correct was the one published in the Courtland Herald, purporting to have been received from the commissioners themselves before they separated at that place. I have the honor to be, most respectfully, your ob't serv't,

JOHN MURPHY.

Ordered, that the communication lie on the table.

Mr Hubbard introduced a bill to be entitled an act to reduce the fees of the clerk of the supreme court of this state; which was read and ordered to a second reading on Monday next.

Mr Hubbard offered the following resolution: *Resolved*, that his excellency the Governor be requested to inform this House whether any agent has been appointed to examine the land office at Courtland, in pursuance of the 23d section of an act of the last session of the General Assembly, entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named; which was adopted.

A message from the House of Representatives by Mr Tunstall:—Mr President: The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be now informed that the House of Representatives is now ready to receive them in their hall for the purpose of witnessing the administration of the oaths of office to his excellency the Governor elect. Whereupon the members of the Senate repaired to the hall of the House of Representatives, and having taken their seats, his excellency Gabriel Moore appeared and delivered an appropriate address to both Houses, after which the oath of office, prescribed by the constitution of the state was administered to him in due form: And then the Senate withdrew and returned to their own chamber, and Mr President resumed the chair.

Mr Abercrombie introduced a bill to be entitled an act to change the name of William Tankersly to that of William Panner; which was read and ordered to a second reading on Monday next.

Mr Hubbard called up the resolution offered by him on the 19th instant, providing for the appointment of a messenger to procure certain testimony in the contest pending between James Jackson and Hugh M'Vay, for a seat in the Senate, and offered the following as a substitute therefor: *Resolved*, that the President of this Senate send his summons to Alexander H. Wood, a justice of the peace for Lauderdale county, to send here certified copies of the depositions taken by him in the case of contested election between Hugh M Vay and James Jackson for a seat in the Senate of this State from Lauderdale county, which have been put in the mail and directed to the President of the Senate, and that a messenger be appointed to convey said summons to the said justice, receive said copies and return them to this Senate, making oath that it is the identical document placed in his hands by said magistrate, provided the expense hereof shall be paid by Mr Jackson; which was adopted.

And then the Senate adjourned till Monday morning at ten o'clock.

Monday November 23.—The Senate met pursuant to adjournment.

Mr Perry, from the committee on the judiciary to which was referred a bill to be entitled an act to alter the times of holding courts in the 6th circuit.

reported the same without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Perry from the same committee to which was referred a bill to be entitled an act to suspend the sale of the lands granted to the State of Alabama for the purposes of Internal Improvement, reported the same as amended by striking out the first section after the enacting clause, and inserting in lieu thereof the following: That the Land Office at Courtland established by act of the last General Assembly of this State, shall be closed until the first day of January next, at which time it shall be again opened, and shall continue open for the entry of occupants until the first day of April, unless it is again closed in pursuance of law," and by striking out the third section of the bill. Mr Hubbard moved to amend the amendment proposed by the committee to the first section of the bill, by striking out all after the first word, and inserting in lieu thereof the following: "the Register and Receiver of the land office at Courtland, shall not permit the entry or sale of any of the relinquished lands, granted to this State by the United States for internal improvement, which may have been selected by the commissioners appointed to perform that duty, and which have not been classed and valued at or above one dollar and twenty-five cents per acre, except such as have been granted to occupants. Yeas 8—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Crawford, Edmondson, Evans, Hubbard, McVay, Merriwether, and Morton.

Those who voted in the negative are Mr President, Anderson, Conner, Irwin, Garth, Hogan, Moore, Perry, Pickett, Smith, Vining, Walthall, Watkins and Wood.

The question was then put on concurring in the amendment proposed by the judiciary committee, to the bill, and decided in the affirmative: *Ordered*, that the bill be made the order of the day for a third reading on to-morrow.

In pursuance of the resolution of Saturday last, and of the act entitled "an act to amend the charter of the Bank of the State of Alabama," the Senate proceeded to elect a committee to act jointly with such committee as may be elected by the House of Representatives to examine into the affairs and report the situation of the Bank of the State of Alabama. Messrs Watkins, Crawford, Garth, and Hogan being in nomination, the vote stood thus: For Mr Watkins 20; Garth 17; Hogan 15; and Crawford 14.

Those who voted for Mr Watkins are Messrs President, Abercrombie, Anderson, Conner, Crawford, Edmondson, Irwin, Evans, Garth, Hogan, Hubbard, McVay, Merriwether, Moore, Morton, Perry, Pickett, Vining, Walthall, and Wood.

Those who voted for Mr Garth are Messrs Abercrombie, Conner, Crawford, Edmondson, Evans, Hogan, Hubbard, McVay, Merriwether, Moore, Morton, Smith, Vining, Walthall, Watkins, and Wood.

Those who voted for Mr Hogan are Mr President, Anderson, Conner, Crawford, Edmondson, Irwin, Garth, McVay, Moore, Morton, Perry, Pickett, Smith, Watkins, and Wood.

Those who voted for Mr Crawford are Messrs Abercrombie, Anderson, Irwin, Evans, Garth, Hogan, Hubbard, Merriwether, Perry, Pickett, Smith, Vining, Walthall and Watkins.

Messrs Watkins, Garth, and Hogan having received a majority of the whole number of votes, were declared by Mr President, to be elected members of the committee to examine the State Bank.

Mr President presented the following communication from the Secretary of State.

SECRETARY OF STATE'S OFFICE. Nov. 23d, 1829.

To the Hon. the President of the Senate:

SIR:—In obedience to a resolution of the Senate of the 21st instant "re-

questing the Secretary of State to furnish the Senate with such evidence as may be in his office relative to the performance of the public printer in the discharge of his duty in distributing the acts and journals of this state." I have the honor to state that the public printer distributed the acts and journals of the last session within the time prescribed by law, and has also discharged his other duties relative to the public printing with despatch and accuracy. I have the honor to be, with great respect, Your obedient servant.

J. I. THORNTON.

Ordered, That the communication lie on the table.

Mr Pickett offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire whether any, and if any, what alterations are necessary to be made in the laws of the state relative to the duties of Executors, Administrators, and Guardians, and whether the estates of deceased persons are not subjected to large and unnecessary expenses owing to extravagant fees of officers and amount of commissions allowed to executors, administrators, and guardians, and that said committee be instructed to report by bill or otherwise, which was adopted.

Mr Smith offered the following resolution: *Resolved*, That a committee be appointed on the part of the Senate to act jointly with such committee as may be appointed on the part of the House of Representatives to examine the returns of the sheriffs from their respective counties and count the votes relative to the alteration of the constitution in fixing a limited period to the tenure of the judges, and report to their respective Houses accordingly, which was adopted; whereupon Messrs Smith, Perry, and Garth were appointed the committee on the part of the Senate.

Mr Moore offered the following resolution: *Resolved*, That the military committee be instructed to inquire into the expediency of fixing by law the days on which musters and courts martial shall be held, which was adopted.

Mr President presented the Senate with the following report of the commissioners appointed to superintend the erection of the State Capitol:

To the Hon. the President of the Senate:

SIR,—The commissioners appointed to superintend the erection of the State Capitol, have the honor to present to that branch of the General Assembly over which you preside, the following statement of contracts entered into for workmanship and materials necessary in erecting the State Capitol, since the report to the last General Assembly, the amount of money paid on each contract, and the ballance which will be due on the completion of the several contracts, to wit:

No. 1. Contract with Henry Soassman for carpenter's work and materials in putting lanthorn and cupola on dome, and ballustrade all round the building,	<i>Am't of contract.</i>	<i>Am't paid</i>	<i>Unpaid Balance.</i>
No. 2. " with Henry Sossaman for covering the dome with shingles,	\$ 1150	\$1150	
No. 3. " with John S. Fitch, for building all the stair cases,	234	234	
No. 4. " with John S. Fitch for all the labour of joiners work, in fitting up the Senate chamber, and putting up frontispiece and window at south end and for sundry other works and materials, as per bill and certificate,	650	650	
	1724 31	1189 31	535

No. 5. " with Edmond S. Farish, for all the carpenters and joiners work in the hall of Representatives, and including a bill for sundry other work.	1551 75	1400	151 75
No. 6. " with John S. Gorman, for plastering a part of the State capitol, the work to be measured, and estimated to cost.	4250	1000	3250
No. 7. " with Spicer W. Kelly, for joiners work in second and third stories of west wing.	232	232	
No. 8. " with Daniel Grayson, for joiners work in second and third stories of east wing.	218	100	118
No. 9. " with Robert Cairnes, for the carpenters work on porticos on north and south ends of State Capitol, and for other work and materials as per bill and certificate.	406 78		406 78
No. 10. " with Hickemburg and Scott, for painting wood work of State Capitol and glazing, by measurement at specified prices, the work when completed is estimated to cost,	600	175	425
No. 11. " with John Robb, for the foundations, steps, platforms and fluted columns of the porticos at the north and south ends of the building, and flagging part of vestibule, as per bill and certificate.	2272 25		2272 25
No. 12. " with John Rial, for work and materials in stopping putlock holes, clearing out flues, and laying hearths, (partly in completion of Mortons contract.)	132 62½	132 62½	
No. 13. " with Samuel B. Ewing, his bill for smith work.	156 50	156 50	
No. 14. " with Nathan Hughes, his bill for paints, putty, &c.	206 50	206 50	
No. 15. " with Nathan Hughes, his bill for paints, &c.	123 60		123 60
No. 16. " with Andrews & Brothers, for white lead and putty,	152	152	
No. 17. " with Andrews & Brothers, for do. do.	52 50		52 50
No. 18. " with B. Wrigglesworth, for paints, white lead, &c.	101 26		101 26
No. 19. " with S. M. Meek & Co. for paints.	3 80		3 80
No. 20. " with Elisha Shehorn, for lumber.	19 17	19 17	
No. 21. " with Hardin Perkins for lumber.	6	6	
No. 22. " with William Harriss, for poplar scantling.	17 35	17 35	

No. 23. " with Joshua Benson, for cedar posts. - - - - -	19 17	19 17	
No. 24. " with Southern Advocate, for advertising. - - - - -	2	2	
No. 25. " with William Nichols, for cedar lumber. - - - - -	49	49	
No. 26. " with James Pickens, for cedar lumber. - - - - -	105	105	
No. 27. " Samuel B. Ewing, cash for recording deed - - - - -	3	3	
No. 28. " with Southern Advocate, for advertising, - - - - -	9	9	
No. 29. " with William Morrisson, for carpenters work on the building. - - - - -	9 37½	9 37½	
No. 30. " with John Childress, for timber for columns. - - - - -	36	36	
No. 31. " with John Childress, for lumber. - - - - -	34 50	34 50	
No. 32. " with Estate of Wm. Jameson, dec'd, for lumber. - - - - -	494		494
No. 33. " with Moses Collins, for lumber. - - - - -	52 88	52 88	
No. 34. " with W. M. Forrister for lumber. - - - - -	21 95		21 95
No. 35. " with James McCulloch for hauling - - - - -	46 25	46 25	
No. 36. " with John Brandon, for labor in removing rubbish. - - - - -	19 50	19 50	
No. 37. " with William Morton, Jr. for building small chimney. - - - - -	15	15	
No. 38. " with William Nichols, for cash paid for removing rubbish. - - - - -	19 50	19 50	
No. 39. " with John Childress, for boring columns. - - - - -	15	15	
No. 40. " with John D. Barr, for lumber. - - - - -	19 16		19 16
No. 41. " with William Owen, for removing rubbish. - - - - -	12		12
No. 42. " with James Hogan, & Co for sundry materials. - - - - -	149 17		149 17
No. 43. " with James Mallery, for labor and materials. - - - - -	14 65	14 65	
No. 44. " with William P. Brown, for lumber. - - - - -	351 80	351 80	
No. 45. " disbursements by William Nichols, for cleaning out legislative halls, &c. and removing rubbish. - - - - -	78 31		78 31
No. 46. " estimated cost of privies for State Capitol. - - - - -	150		150
	<hr/>	<hr/>	<hr/>
	\$15986 61	\$7622 08	\$ 8364 53
Amount of previous contracts as reported by the commissioners at the last General Assembly.	38805		

Of the last item there is ballances due,
to wit:

To Wm. Morrison, for carpenters work.	66
" David Johnson, for coppering roof.	450
" John Robb, for stone work,	1737 50
" William Morton, Jr. for brick work.	3000
	<hr/>
	\$54791 61 \$7622 08 \$13618 03

We would further respectfully represent, that in making the above statement, we have set down as paid, all amounts for which warrants have been issued; we presume a small amount of these warrants have not been paid. By an act of the General Assembly in 1826, the amount of the Seat of Government fund was appropriated for the erection of the State Capitol, and by a joint resolution in 1827, the commissioners were authorised to make contracts to the amount of fifty-five thousand dollars. We would in justice to those individuals to whom monies are due, for labor and materials furnished in the erection of the State Capitol, respectfully suggest the early passage of a law, appropriating the unappropriated balance of the fifty-five thousand dollars. It is obvious that this amount will not be competent for the completion of the building, and as regards what further sum may be necessary, we would respectfully refer you to the superintendent, the means of course remain with the wisdom and prudence of the Legislature; all of which is respectfully submitted.

JNO. L. TINDALL,
JAMES HOGAN,
HENRY MINOR,
S. B. EWING. } *Com'rs.*

Tuscaloosa, Nov. 23, 1829.

And then the Senate adjourned till half past two o'clock this evening.

EVENING SESSION.

A bill to be entitled "an act more effectually to secure trials in capital cases by impartial juries was read a second time.

On motion of Mr Morton: *Ordered*, That the bill lie on the table and that fifty copies thereof be printed for the use of the Senate.

A message from the House of Representatives by Mr Tunstall—Mr President; the House of Representatives have adopted the following resolution: *Resolved*, That the clerk inform the Senate that the House of Representatives are now ready to receive them in the Representative Hall, for the purpose of going into the election of a State Printer; whereupon the members of the Senate repaired to the Hall of the House of Representatives and having taken their seats, Mr President arose and announced the object of their meeting, when the two Houses proceeded to the election of a State Printer; Messrs McGuire, Henry and Walker 39 votes.

For Messrs McGuire, Henry, and Walker 39 votes.

Those who voted for Messrs McGuire, Henry and Walker are Mr President, Anderson, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, McVay, Merriwether, Moore, Morton, Perry, Pickett, Smith, Vining, Walthall, Watkins, Wood. Representatives—Mr Speaker, Acklen, Banks, Barclay, Bibb, Bradford, Broadnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Cook, Coopwood, Craig, Curtis, Dale, Dennis, Durrett, Ellis, Fearn Flournoy, Forrest, Goldthwaite, Greene, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jackson, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Mead, Metcalfe, Mims, Mobley, Moore, Morrisett, Parsons, Penn, Perkins, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams, Young.

Messrs McGuire, Henry and Walker having received a majority of the whole number of votes, were declared, by Mr Speaker, to be duly elected State Printers, for one year from and after the 18th day of January next.

The election being completed the Senate withdrew, returned to their own chamber, and Mr President resumed the chair. On motion the Senate adjourned till to-morrow morning at 10 o'clock.

Tuesday, November 24, 1829.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Van Dyke: Mr President, the House of Representatives have elected a committee on their part consisting of Messrs Moore, Young, and Clarke, to examine into the affairs and condition of the Bank of the State of Alabama.

Mr Abercrombie presented the petition of Sally Turner, late of the county of Montgomery in this state, now of the county of Putnam in the state of Georgia, praying the passage of a law to enable her as the executrix of Charles H. Turner, deceased, to make a settlement with the county court of Montgomery and authorising the papers relative to said estate to be transferred to Georgia, which was referred to the committee on the judiciary.

Mr Perry from the committee on the judiciary, to which was referred a bill to be entitled "an act more effectually to prevent judges of the Circuit Courts from charging jurors on matters of fact, and the better to secure the right of trial by jury, reported the same without amendment: *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Perry from the same committee to which was referred a bill to be entitled "an act to reduce the price of public lands in the counties of Madison and Morgan to the price of like lands in other counties, reported the same without amendment.

Mr Anderson moved that the further consideration of the bill be postponed till the first day of the next session of the General Assembly which was lost. Yeas, 10. Nays, 11.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Anderson, Conner, Evans, Hogan, Merriwether, Perry, Pickett, and Walthall.

Those who voted in the negative are Messrs Crawford, Edmondson, Garth, Hubbard, Irwin, McVay, Moore, Morton, Smith, Vining, and Watkins.

Mr Hubbard moved to strike out the third section of the bill which is as follows: "Be it further enacted that all the land of the description aforesaid, which may not have been valued at one dollar and twenty five cents, and which have not been by the commissioners assigned to occupants, shall be liable to be sold to the highest bidder for cash, on the order of the Governor of the state, and thirty days previous notice being given by the Register and published in the news papers heretofore required by law to publish the day of opening the land office for entry;" which motion was carried.

Mr Perry moved to strike from the first section of the bill the words "that the commissioners who examined, valued, and selected the lands in Limestone, Lauderdale, Franklin, and Lawrence counties be directed to assemble and reduce the value of lands in Madison and Morgan counties to the same standard of value, with the value set upon like lands in the counties of Limestone, Lauderdale, Franklin, and Lawrence," which was carried.—*Ordered*, that the bill lie on the table.

Mr Hogan from the committee on the State Bank to whom was referred a resolution instructing them to inquire into the expediency of uniting the office of State Treasurer with that of Cashier of the Bank of the State of

Alabama, reported a bill to be entitled "an act to impose additional duties on the Treasurer of the State of Alabama; which was read and ordered to a second reading to-morrow.

Mr President laid before the Senate a communication from the State Architect on the subject of procuring carpeting for the use of the Senate chamber, which was read and laid on the table.

Mr Pickett offered the following resolution: *Resolved*, That the resolution of the Senate adopted the present session, directing the doorkeeper to procure a sufficient quantity of carpeting for the use of the Senate chamber be recinded, which was adopted.

Mr Merriwether from the special committee to which was referred a petition on the subject, reported a bill to be entitled "an act for the relief of Jane Tune, which was read and ordered to a second reading to-morrow.

Mr Moore, introduced a joint resolution instructing our Senators in Congress to oppose all measures to renew the charter of the Bank of the United States, which was read and ordered to a second reading to-morrow.

Mr Anderson introduced a bill to be entitled "an act for the relief of Beat No. 6, in the county of Pickens," which was read and ordered to a second reading to-morrow.

Mr Perry offered the following resolution: *Resolved*, That the committee on schools and colleges, and school and college lands be instructed to inquire into the expediency of removing the site of the University to some eligible situation near the centre of the state. *Resolved*, that said committee inquire into the expediency of preventing a further appropriation or expenditure of money for buildings other than those now contracted for at the present site.

Resolved, That said committee inquire into the expediency of dividing the University fund and of establishing one or more colleges or branches of said institution in different parts of the state, so as to afford the greatest facilities for education.

Resolved, That said committee inquire into the expediency of setting apart a portion of the university fund, or a portion of the interest thereof for the education of the poor and indigent of this state, which were adopted.

Mr Anderson offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of establishing a distinct, separate, and independant Supreme Court to consist of three members; which was adopted.

Mr Irwin offered the following resolution: *Resolved*, That the military committee be instructed to inquire into the expediency of allowing members of Court's Martial, pay for their services, when actually ordered out to decide contested elections, and in all other cases where charges are brought for neglect of duty, or conduct unbecoming an officer, which was adopted.

A message from the House of Representatives by Mr McClellan:—Mr President: The the House of Representatives have adopted the following resolution in which they desire the concurrence of the Senate: *Resolved*, That so much of his Excellency the Governor's message as relates to the best mode of applying the funds arising from the sale of the lands granted to this state by Congress for the purpose of improving certain rivers within the same, be referred to a joint committee of both Houses of this Legislature and that the committee on inland navigation be said committee on the part of this House. *Ordered*, That the Senate concur in the foregoing resolution and that the committee of inland navigation be the committee on the part of the Senate. *Ordered*, That the Secretary acquaint the House of Representatives therewith.

Mr Hogan offered the following resolution: *Resolved*, That the military committee be instructed to inquire into the expediency of providing some general law for the encouragement of volunteer corps, which was adopted.

Mr Walthall moved to take up the resolution from the House of Representatives proposing the appointment of a joint committee to inquire into the propriety of re-adopting and urging upon the consideration of the Congress of the United States the important matters embraced in the memorial of the Legislature of this state at the last session concerning the public lands and rights of preemption in favor of actual settlers and relinquishers, and to inquire whether said memorial ought to embrace any original matter. *Ordered*, That the Senate concur in said memorial; whereupon Messrs Walthall, Perry, and Anderson were appointed a committee on the part of the Senate. *Ordered*, That the Secretary acquaint the House of Representatives therewith.

Mr Hogan offered the following resolution: *Resolved*, That the military committee be instructed to inquire into the expediency of establishing a State Arsenal in the vicinity of Mobile, which was adopted.

Mr Abercrombie introduced a bill to be entitled "an act for the relief of Sally Turner, executrix of Charles H. Turner, which was read a first and second time and referred to the committee on the judiciary.

Mr Pickett offered the following resolution: *Resolved*, That the comptroller of public accounts be instructed to communicate to the Senate what amount of revenue, if any, is derived from keepers of Billiard Tables, also to communicate any information he may possess relative to the evasion of the law imposing a tax on the same which was adopted.

Mr Perry moved that the select committee to which was referred so much of the Governors annual communication as relates to the funds arising from the sale of the lands granted to this state by the General Government for the improvement of the navigation of the Tennessee and other rivers, be discharged from the further consideration thereof, which was carried. Yeas 13 - Nays 9.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Anderson, Conner, Hogan, Irwin, McVay, Moore, Perry, Pickett, Smith, Vining, Watkins, and Wood.

Those who voted in the negative are Mr President, Crawford, Edmondson, Evans, Garth, Hubbard, Merriwether, Morton, and Walthall.

Engrossed joint resolutions providing for the appointment of a joint committee to investigate and examine the proceedings of the commissioners elected to class and value the lands granted to this state for purpose of internal improvement, was read the third time. Mr Hubbard moved that the resolution lie on the table for the present, which was lost. Mr Hubbard offered the following amendment to the resolution: "And be it further *Resolved*, that if said committee should deem it material to have the original returns of the commissioners or copies, or both returns and copies produced here, and all the books of said commissioners returned to his office, they shall send an order under the hand of their chairman to the said Register, to forward them here, and shall also have power to issue a commission to any judge or justice of the peace to take the depositions of the Register and Receiver, as well as other persons for or against said commissioners, which said chairman shall be bound to issue on the application of the commissioners or either of them. But the said committee shall not in any event have power to send for the Register or his books of office without shewing to each House of the General Assembly that it is material to have the Register here and obtain the concurrence of both branches of the General Assembly

thereof. Mr Perry moved to amend the amendment proposed by Mr Hubbard by striking out the last sentence thereof, which was carried. The question was then put on the adoption of the amendment proposed by Mr Hubbard as amended, and decided in the negative.

Mr Anderson offered the following amendment to the resolution by way of rider: "And be it further resolved that a committee consisting of three members shall be elected by each House of the General Assembly for the purposes, and to perform the duties specified in the foregoing resolution," which was read the first and second time. The amendment offered by Mr Anderson was then read the third time and adopted. The question was then put "Shall the resolution pass?" and determined in the affirmative. Yeas 12—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are Messrs Anderson, Conner, Crawford, Garth, Hogan, Irwin, Moore, Perry, Smith, Vining, Wainall, and Watkins.

Those who voted in the negative are Mr President, Edmondson, Evans, Hubbard, McVay, Merriwether, Morton, Pickett, and Wood.

Ordered, That the title of the resolution be as aforesaid and that it be sent to the House of Representatives for their concurrence.

Mr Hogan offered the following resolution: *Resolved*, That a committee be appointed to wait on his Excellency, Governor Moore and request him to furnish a copy of his inaugural address that the same may be spread on the journals of the Senate, which was adopted; whereupon Messrs Hogan and Irwin were appointed the committee.

An ingrossed bill to be entitled "an act to give the Circuit Courts of this state power to render judgements final against the security in writs of error bonds; and an act to authorize the courts of this state to render judgements final against the security of non residents, were severally read the third time and passed. *Ordered*, That the titles of the bills be as aforesaid and that they be sent to the House of Representatives for their concurrence.

A bill to be entitled "an act to change the name of William Tankersly to that of William Panner was read the second second time, and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled "an act to change the mode of compensating jurors in the county of Pike, was read the second time and ordered to a third reading to-morrow.

A bill to be entitled "an act to reduce the fees of the clerk of the supreme court of this state, was read the second time.

Mr Anderson offered the following amendment to the bill "And be it further enacted that the fees of all counsellors and attorneys in said court shall be the same as those in the circuit courts," which was adopted. *Ordered*, that the bill be ingrossed and made the order of the day for a third reading to-morrow.

An engrossed bill to be entitled an act to alter the time of holding courts in the sixth circuit, was read the third time and passed. *Ordered* That the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to suspend the sale of the lands granted to the state of Alabama for the purposes of internal improvement was read the third time. Mr Morton moved that the further consideration of the bill be postponed till the first day of April next, which was carried—Yeas 12; Nays, 10.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Anderson, Crawford, Edmondson, Evans, Hubbard, McVay, Merriwether, Morton, Pickett, and Wood.

Those who voted in the negative are Messrs Conner, Garth, Hogan, Irwin, Moore, Perry, Smith, Vining, Walthall, and Watkins.

Mr Hogan from the committee appointed to wait on his excellency Gabriel Moore and request a copy of his inaugural address for the purpose of having it spread on the journals of the Senate, reported that they have performed that duty and received for answer that he would with pleasure furnish the copy desired. The following is a copy of the address:

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

In presenting myself before you, clothed as you are with the legislative power of the people of Alabama, for the purpose of taking in your presence, the solemn obligation of the office to which I have been called, the imposing scene, the important and responsible character of the station upon which I am about to enter, affects me with deep sensibility. The magnitude of the trust, the general difficulty in its execution, the prudent and wise disposition of the various applications for the exercise of the executive prerogative, in interposing our country's mercy in behalf of those who may have violated the majesty of her laws, together with other delicate duties, inseparable from the station, combined with an honest distrust in my own ability to perform them in a satisfactory manner, would deter me from the undertaking, were it not for the fond hope, that the same friendly kindness and forbearance, which have been so liberally extended to me heretofore, will be continued. This diffidence is greatly increased, by the high estimate justly awarded by my fellow citizens, to the distinguished abilities with which the executive department of this government has been administered by my predecessor; and here, permit me to remark, that whilst we mourn the act of providence which has deprived us of those worthies, whose services, and counsels this community cannot hope to enjoy again: yet we are consoled by the reflection, that by the people of Alabama their services are remembered, and their counsels duly appreciated, and in the act of our legislature making an appropriation for the transportation of the relics of one of them from a foreign land, for interment in our own soil, is recorded the evidence of public gratitude for public services, highly honorable to the legislature and citizens of the state. While we thus deplore the loss of our chief magistrates who are now no more, we are interested and delighted in the prospect afforded of the profitable exercise of their talents in the promotion of our common prosperity. Ten years since the state was admitted into the federal family of the union, at which time our population amounted to sixty thousand, and at that time sixteen counties were represented in the convention only; now our population may be fairly estimated at three hundred thousand; and at this time the delegation from thirty-five counties are assembled in this Hall. And what, may I ask, was this much favored spot only a short time anterior to our admission into the union? a mere wilderness, the resort of savage and wild beasts only. What an exchange of tenements is now presented! In the place of those humble huts then occupied by the Black Warrior, or Tuscaloosa chief and his followers, probably placed on the margin of your beautiful stream of that name, we now behold a Capitol, emphatically a Capitol, and University, which when completed will be inferior to none in elegance, in taste, or in usefulness of which any sister state can boast; a metropolis surrounded by a country rapidly growing in wealth and importance, presenting all the natural advantages calculated to invite an emigration of the most enterprising and respectable character, in which are now assembled the representatives of a free and independent people, for the purpose of deliberating upon the great public concerns of the community. Such a change, such a rapid increase in population, in

improvements, and in institutions in our young and growing state cannot but be highly gratifying to each of her citizens. Eight years have now elapsed since I had the honor of participating in the deliberations of our state legislature, and, although within that time much change of its members has been made, yet I have the satisfaction to recognize in this dignified body, several from different sections of the state, with whom I have had the honor to be associated on the most friendly terms in the discharge of public duty, and among them several whose silver locks have obtained an honorable distinction in the almost uninterrupted discharge of public functions. To this circumstance I may add, that I have the gratification to believe that I shall be aided and supported by all, in any effort calculated to promote the public welfare of our common country.

In bringing forward any topic to your view for legislative action, I shall not be influenced by any private, local, or sectional consideration. I shall have no other object than the public good, and I shall rely more upon an ardent desire and devoted exertions for its attainment, aided by your united wisdom and supervising control, than upon any claim I have to ability. And here I may be permitted to remark, that it is a source of some consolation to me, that the manner in which I have been called to the station I am about to assume, seems to forbid the idea of the existence of an opinion that when I shall have sworn fidelity to our constitution, any other than the most liberal views of policy will be pursued.

You will, gentlemen, be pleased to permit me to assure you, and through you, those whom you represent, that the very flattering manner in which this late demonstration of public confidence has been bestowed, has inspired the most profound gratitude, and highest sense of obligation.

It is with much satisfaction that I remark, that the very able, lucid, and comprehensive communication made you by the retiring executive, will supercede much of my constitutional obligations the present session. I may deem it expedient to submit some additional views for your deliberations, relative to some of the matters embraced in this important document which I shall do with much respect and high consideration.

And may that spirit of harmony, liberality, forbearance, and toleration which is so essentially necessary for the accomplishment of the best results, be encouraged by us all, is my sincere and cordial supplication.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Wednesday, Nov. 25th, 1829.

The senate met pursuant to adjournment.

Mr Hogan presented the petition of Edwin Lewis of Mobile county, praying the passage of a law authorising the commissioners of roads and revenue of Mobile county to cause a turnpike road constructed by him to be valued and paid for out of the county treasury of said county, which was referred to the committee on roads, bridges, and ferries.

Mr Hogan presented the petition of Edwin Lewis of Mobile county, praying the passage of a law authorizing him to institute suit against one Charles McCarty, at court to answer to a charge of an assault with intent to kill committed on said petitioner, and the other conditioned for the good behavior of the said McCarty, and his securities on two bonds, one for the appearance of the said McCarty; and that one half of the recovery to be had on said bonds may be vested in the petitioner and the other half in the school commissioners of Mobile county, which was referred to the committee on propositions and grievances.

Mr Anderson moved to reconsider the vote of the Senate on Mr Morton's motion to postpone the further consideration of the bill to be entitled "an act to suspend the sale of the lands granted to the state of Alabama for the

purpose of internal improvement till the first day of April next;" which was carried: yeas, 14; nays, 8.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Anderson, Conner, Garth, Hogan, Irwin, Merriwether, Moore, Perry, Smith, Vining, Walthall, Watkins, and Wood.

Those who voted in the negative are Messrs Abercrombie, Crawford, Edmondson, Evans, Hubbard, McVay, Morton, and Pickett.

The question was then put "shall the bill pass?" and decided in the affirmative; yeas, 12; nays, 10.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Anderson, Conner, Garth, Hogan, Irwin, Moore, Perry, Smith, Vining, Walthall, and Watkins.

Those who voted in the negative are Messrs Abercrombie, Crawford, Edmondson, Evans, Hubbard, McVay, Merriwether, Morton, Pickett, and Wood.

So the bill was passed: *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr McClellan—Mr President: The House of Representatives have passed a bill which originated in the House, entitled "an act to alter the times of holding the county courts of Jefferson county, in which they desire your concurrence.

They have appointed a committee on their part consisting of Messrs Coopwood, Parsons and Conner to examine the returns of the sheriffs of the different counties in this state shewing the number of votes in their respective counties for and against the proposed amendment of the constitution limiting the tenure by which the judges hold their offices to six years.

The following communication was received from the Governor by Mr Thornton.

EXECUTIVE DEPARTMENT, Nov. 24th 1829.

To the Hon. the President of the Senate.

SIR:—In answer to a resolution of the 21st inst. requesting this Department to inform the Senate whether any agent has been appointed to examine the land office at Courtland in pursuance of the 23d section of an act of the last session of the general assembly entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named, I have to reply that no agent has been appointed in consequence of the very limited period which the land office has been in operation. I have the honor to be, sir very respectfully, your obedient servant.

GABRIEL MOORE.

Ordered, that the communication lie on the table.

On motion of Mr Moore: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of explaining or altering the law allowing tax fees to lawyers in suits in chancery against several defendants where defendants answer separately.

Mr Smith offered the following resolution: *Resolved*, that a committee be appointed on the part of the Senate to act jointly with such committee as may be appointed on the part of the House of Representatives to draft a memorial to the Congress of the United States in behalf of those who have suffered by depredations committed by a part of the Creek Nation of Indians previous to the last Indian war, and at a moment of peace and good understanding as was conceived to exist between the United States and the said tribe of Indians, which was adopted—whereupon messrs Smith, Evans, and Garth were appointed the committee on the part of the Senate. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Abercrombie offered the following resolution: *Resolved*, that a select committee be appointed to inquire into the expediency of suspending the operation of the land office at Courtland after the 24th of February next and

that said committee be further instructed to inquire into the expediency of returning all money received at that office to the General Government with the exception of so much as will defray the expense of classing, raising and selling the lands granted to this state by the General Government, and that the Receiver of public moneys at the land office aforesaid be directed to report to his Excellency the Governor of this state, after that period, the quantity of land sold and the amount of money received therefor, which was adopted—whereupon messrs Abercrombie, Pickett, and Hubbard were appointed the committee.

Mr Smith presented the petition of sundry citizens of Clarke county, alleging that they suffered losses by depredations committed by the Creek Indians during the last war, and praying the General Assembly to memorialize Congress in their behalf, which was read and referred to a special committee already appointed on that subject.

And then the Senate adjourned till to-morrow morning 10 o'clock.

Thursday, Nov. 26th, 1829.

The Senate met pursuant to adjournment.

Mr Perry from the committee on the judiciary to which was referred the petition of Sally Turner, executrix of Charles H. Turner deceased, and also the bill to be entitled An act for her relief, reported the bill as amended, which was concurred in: *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Perry from the same committee to which was referred a resolution on the subject, reported a bill to be entitled an act to prevent persons being sued in civil cases before justices of the peace out of the company beat in which they permanently reside, which was read and ordered to a second reading to-morrow.

Mr Hogan introduced a bill to be entitled, an act to alter and amend the charter of incorporation of the city of Mobile which was read and ordered to a second reading to-morrow.

A bill from the House of Representatives entitled, an act to alter the times of holding the county courts of Jefferson county, was read the first time and ordered to a second reading to-morrow.

Mr Walthall called up the joint resolutions proposing amendments to the constitution of the state of Alabama so as to have biennial sessions of the General Assembly thereof.—The resolutions were read the second time and referred to the committee on the judiciary to consider and report thereon.

Mr Anderson offered the following resolution: *Resolved*, that the committee on the judiciary be instructed to inquire into the propriety of revising, amending, and consolidating the several acts now in force relative to the estates of deceased persons and the duties of executors, administrators, guardians, and trustees of such estates, and that said committee report a bill providing for the appointment of a suitable person or persons to perform said duty, or otherwise as they may deem expedient.

Mr Perry called up the bill to be entitled an act to discontinue and establish certain election precincts therein specified, and offered an amendment thereto, which was adopted. The bill being further amended was ordered to be engrossed for a third reading to-morrow.

Mr President laid before the Senate three several letters addressed to him as President of the Senate and received by mail containing testimony in the case of the contested election between James Jackson and Hugh McVay for a seat in the Senate, the seals of which were broken in the presence of the Senate and the documents referred to the committee on privileges and elections.

Mr Hogan offered the following resolution: *Resolved*, that the standing committee on the State Bank be instructed to inquire whether the services of the additional clerk authorized to be employed for six months in each year, be not necessary for the entire year, and if so, whether the compensation that is allowed by the act entitled, an act to authorise the employment of an additional clerk for the Bank of the State of Alabama, approved January 29th, 1829 be sufficient for the services required of that officer and also whether any curtailments in the expenses of said institution can, with propriety, be made, which was adopted.

Mr Morton offered the following resolution: *Resolved*, that the committee on schools and colleges, and school and college lands, be instructed to inquire into the expediency of reducing the price of the unsold university lands, in the district of Tuscumbia and report by bill or otherwise, which was adopted.

Mr Moore called up the bill to be entitled an act more effectually to secure trials in capital cases by impartial juries. *Ordered*, that the bill be committed to the committee on the judiciary to consider and report thereon.

A bill to be entitled an act for the benefit of beat No. 6, in the county of Pickens, was read the second time and ordered to be engrossed for a third reading to-morrow.

Mr Moore offered the following resolution: *Resolved*, that the committee on inland navigation be instructed to inquire into the expediency of asking Congress to grant to this state the unsold lands in Jackson county, and eastern part of Madison to be appropriated to the improvement of the navigation of the Tennessee and other rivers in this state. Mr Hubbard offered the following amendment to the resolution: "Provided Congress will grant to the state the right to secure the occupants in all cases a preference in becoming purchasers of their occupancies at graduated prices according to the quality of the soil which they may respectively occupy and cultivate," which was adopted—Yeas, 19; nays, 1.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Anderson, Conner, Crawford, Edmondson, Garth, Hogan, Hubbard, Irwin, McVay, Moore, Morton, Perry, Pickett, Smith, Walthall, Watkins and Wood. Mr Vining voted in the negative.

Mr Abercrombie moved that the further consideration of the resolution be postponed till the first day of the next session, which was lost; yeas, 4—nays 16.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Anderson, Irwin, and Vining.

Those who voted in the negative are Mr President, Conner, Crawford, Edmondson, Garth, Hogan, Hubbard, McVay, Moore, Morton, Perry, Pickett, Smith, Walthall, Watkins, and Wood.

So the motion was lost. Mr Perry offered the following amendment to the resolution, "and also to ask such alterations in the act of Congress, making a donation of lands to this state for the improvement of the navigation of the Tennessee and other rivers as to allow the proceeds of said land to be applied to such objects of internal improvement as the state shall direct, which was adopted. Mr Abercrombie moved to amend the resolution with the following: "and to ask the Government to sell the lands and give to the state the proceeds." Mr Perry moved to amend the proposed amendment by adding the words "securing to occupants a preference," which was carried. The question was then put on the adoption of Mr Abercrombie's amendment as amended and decided in the negative. Yeas, 7—nays 13. The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Anderson, Irwin, Morton, Perry, Pickett, and Wood.

Those who voted in the negative are Mr President, Conner, Crawford, Edmond-

son, Garth, Hagan, Hubbard, McVay, Moore, Smith, Vining, Walthall and Watkins. *Ordered*, that the resolution lie on the table.

A message from the House of Representatives by Mr McClellan.—Mr President:—The House of Representatives have read three several times and passed a joint resolution which originated in the Senate, providing for the appointment of a joint committee to investigate and examine the proceedings of the commissioners elected to class and value the land given to this state for the purpose of internal improvement.

A bill to be entitled an act to impose additional duties on the Treasurer of the state of Alabama was read the second time. Mr Watkins moved to strike out the word 'Cashier' wherever it occurs in the bill, and to insert the word '*President*' so as to make the State Treasurer perform the duties of President of the State Bank, which was carried. Yeas 15—nays 5.

The yeas and nays being desired those who voted in the affirmative are Mr President, Abercrombie, Anderson, Conner, Crawford, Edmondson, Hogan, Irwin, McVay, Morton, Pickett, Smith, Vining, Walthall, and Watkins.

Those who voted in the negative are Messrs Garth, Hubbard, Moore, Perry, and Wood.

Mr Hubbard moved that the further consideration of the bill be indefinitely postponed, which was lost. Yeas 9—nays 11.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Edmondson, Hubbard, Irwin, McVay, Pickett, Vining, Walthall, and Wood.

Those who voted in the negative are Mr President, Anderson, Conner, Crawford, Garth, Hogan, Moore, Morton, Perry, Smith, and Watkins.

Ordered, that the bill be recommitted to the committee on the State Bank.

Mr Pickett introduced a bill to be entitled, an act altering the compensation of the members of the General Assembly of the state of Alabama, which was read. Mr Anderson moved that the further consideration of the bill be indefinitely postponed, which was lost. Yeas 6—nays 14.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Anderson, Hogan, Morton, and Watkins.

Those who voted in the negative are Messrs Conner, Crawford, Edmondson, Garth, Hubbard, Irwin, McVay, Moore, Perry, Pickett, Smith, Vining, Walthall, and Wood.

Ordered, that the bill be made the order of the day for a second reading to-morrow.

And then the Senate adjourned till to-morrow morning ten o'clock.

Friday, Nov. 27th, 1829.

The Senate met pursuant to adjournment.

Mr Morton presented the petition of the President and Trustees of the La Grange College, praying that they may be incorporated by an act of the General Assembly, which was read and referred to the committee on Schools and Colleges, and School and College lands, to consider and report thereon.

Mr Pickett from the committee on propositions and grievances submitted the following report: The committee of propositions and grievances to whom was referred a resolution of the Senate instructing them to inquire into the expediency of establishing a penitentiary in this state, have had the same under consideration, and concur in the belief that the subject is one of more than ordinary importance, and when they take into consideration the numerous capital offences known to the statute, and the great uncertainty of punishment to offenders under the existing laws, confess the erection of such an institution is seriously called for. They doubt not its erection would contribute more than any thing else, to

improvement of the moral condition of the people, and, as a necessary consequence, their advancement to an high grade in a national point of view. The difficulty of procuring convictions when the life of an individual is at stake, is so manifest, not only in this state, but in every portion of the world where man has feeling that a penitentiary system appears the only one that can be adopted which will be a subject of terror to evil doers, and secure respect and obedience to the laws. But your committee, altho impressed with the importance, and almost absolute necessity for the measure, nevertheless, deem it inexpedient at this time to legislate on the same. The necessity for delay must be a subject of regret to all, but the wisdom of the Legislature will no doubt reduce the causes for that regret, by a revision of the criminal code and by a proper application of the punishment to the offence, lessen the difficulty in obtaining convictions, and do ample justice to the country. Among the insurmountable objections to the erection, at present, of a penitentiary, is the inability of the state to complete a work of such stupendous magnitude. Without attempting an estimate of its probable cost, your committee is well satisfied that the expense would be such as totally to discourage any state under more auspicious circumstances from the undertaking.

The impoverished state of our finances at present is not more than sufficient to defray the necessary expenses of the state; and an increase of taxation, which must be the necessary consequences of the erecting of a penitentiary at this time, should be as repugnant to the wishes of the statesman, as it would be to the principles of justice. The heavy debt now due from the citizens of this state to the general government for lands, the hardships the present inhabitants have had to encounter, as pioneers of the country, and the depressed state of our cotton market, all conspire to dictate to your committee, that taxation of the citizens, except for indispensable necessity, would be alike impolitic and unjust; yet they foresee with pleasure that the time is not far distant, when the state without imposing new burdens on the citizens will have it amply in her power to carry this desirable object into execution. Every day presents the flattering prospect of an increase of population, wealth, and respectability; and we have every reason to believe that justice and magnificence both operating on the general government will shortly add to this state an acquisition of wealth and territory sufficient to enable her to carry into execution any plan which she wants of the state may require. The youth of the state and the experience of other times and countries, forbid our undertaking any measure however important to its character without a perfect ability to execute it. If older and wealthier states have found the expense of building a penitentiary, so great as to render doubtful the policy of continuing the system, Alabama surely will not dare, at this time, the undertaking which was concurred in.

Mr Perry from the committee on the judiciary to which was referred a resolution on the subject reported a memorial to the Congress of the United States, relating to the boundary line between this state and Florida, which was read and ordered to a second reading to-morrow.

Mr Perry introduced a bill to be entitled, an act to secure to females covert their estates, which was read and ordered to a second reading to-morrow.

Mr McVay introduced a bill to be entitled, an act to amend an act, entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named, which was read and ordered to a second reading to-morrow.

A message from the House of Representatives by Mr Trust I—Mr I resident; the House of Representatives concur in the several amendments made by the Senate to the bill entitled an act to suspend the sale of the lands granted to the state of Alabama for the purpose of internal improve-

ment. They concur in the resolution of the Senate appointing a committee to draft a memorial to the Congress of the United States in behalf of those who have suffered by depredations committed by a part of the Creek Nation of Indians previous to the last war, and have appointed a committee on their part consisting of messrs Fearn, Goldthwaite, and Conner.

They have adopted the following resolution in which they desire the concurrence of the Senate: *Resolved*, that a select committee be appointed to advise with such committee as may be appointed on the part of the Senate to take into consideration the propriety of changing the present mode of licensing physicians and surgeons to practice medicine within this state—they have appointed on their part messrs Curtis, Fearn, and Moore.

They have also adopted the following resolution: *Resolved*, that this House will, with the consent of the Senate, meet in the Representative Hall on Saturday next at the hour of 11 o'clock for the purpose of electing solicitors for the first and sixth judicial circuits, and also judges of the county courts of Lauderdale, Limestone, Conecuh, Fayette, Walker, and Morgan counties.

Ordered, that the Senate concur in the resolution from the House, proposing the appointment of a joint committee to take into consideration the propriety of changing the present mode of licensing physicians and surgeons to practice: whereupon, messrs Watkins, Merriwether and Smith were appointed the committee on the part of the Senate.

Ordered, that the secretary acquaint the House of Representatives therewith.

Mr Hubbard moved to amend the resolution from the House of Representatives relating to the election of solicitors of the 1st and 6th circuits, and judges of the county courts of Limestone and other counties, by striking therefrom the county of Limestone, which was carried.

The resolution as amended was then concurred in. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Moore from the joint committee on enrolled bills, reported as correctly enrolled, a joint resolution providing for the appointment of a joint committee to investigate and examine the proceedings of the commissioners elected to class and value the lands given to this State for the purposes of internal improvement—reported the same as correctly enrolled—which was accordingly signed by Mr President. Mr President presented the following communication from the Comptroller of public accounts.

COMPTROLLER'S OFFICE, *Tuscaloosa*, Nov. 27th, 1829.

The Hon. the President of the Senate of the State of Alabama:

SIR:—I have the honor to lay before the Senate my annual report of the finances of the State, for the year ending on yesterday. I am, very respectfully, your obedient servant.

SAMUEL PICKENS.

Ordered, that the report lie on the table and that five hundred copies thereof be printed for the use of the Senate.

Mr Vining offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law authorizing the taking of depositions where the witness resides out of the county where the suit is pending, and of compelling the person taking depositions to notify the opposite party instead of, or in addition to the notice served on the attorney, when the opposite party resides in the county where the suit is pending, with leave to report by bill or otherwise, which was adopted.

Joint resolution instructing our members in Congress to oppose all measures to renew the charter of the Bank of the United States, was read the second time and ordered to be engrossed for a third reading to-morrow.

An engrossed bill to be entitled an act to change the name of William Tankersly to that of William Panzer, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act more effectually to prevent Judges of the circuit courts from charging juries on matters of fact, and the better to secure the right of trial by jury, was read the third time and amended by way of ryder on Mr Hubbard's motion, so as to apply also to judges of the county courts. The question was then put, "Shall the bill pass?" and decided in the affirmative. Yeas 12—nays 9.

The yeas and nays being desired, those who voted in the affirmative are Messrs Conner, Garth, Hogan, Hubbard, Irwin, Moore, Morton, Perry, Smith, Walthall, Watkins, and Wood.

Those who voted in the negative are Mr President, Abercrombie, Anderson Edmondson, Evans, McVay, Merriwether, Pickett, and Vining.

Ordered, that the title of the bill be as aforesaid and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to change the mode of compensating jurors in the county of Pike, was read the third time and passed. *Ordered*, that it be returned to the House of Representatives.

A bill to be entitled an act for the relief of Jane Tune, was read the second time and ordered to be engrossed for a third reading to-morrow.

An engrossed bill to be entitled an act to reduce the fees of the clerk of of the supreme court of this state, was read the third time. Mr Abercrombie offered the following amendment to the bill by way of ryder: And be it further enacted, that the reduction in the fees of the clerk of the supreme court, contemplated by the first section of this act, shall not take effect until the judges of that court shall certify that the same is expedient and proper, which was rejected. Yeas 5—nays 17.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Anderson, Hogan, and Moore.

Those who voted in the negative are Messrs Conner, Crawford, Edmondson, Evans, Garth, Hubbard, Irwin, McVay, Merriwether, Morton, Perry, Pickett, Smith, Vining, Watkins, Walthall, and Wood.

The question was then put, "Shall the bill pass?" and decided in the affirmative. Yeas 15—nays 7.

The yeas and nays being desired, those who voted in the affirmative are Messrs Conner, Crawford, Edmondson, Evans, Garth, Hubbard, Irwin, McVay, Merriwether, Morton, Perry, Pickett, Vining, Walthall, and Wood.

Those who voted in the negative are Mr President, Abercrombie, Anderson, Hogan, Moore, Smith, and Watkins.

So the bill was passed. *Ordered*, that the title be as aforesaid, and that the bill be sent to the House of Representatives for their concurrence.

Engrossed bills of the following titles, to wit: An act for the benefit of beat No. 6, in the county of Pickens; an act for the relief of Sally Turner executrix of Charles H. Turner, deceased; and an act to discontinue and establish certain election precincts therein named, were severally read the third time and passed. *Ordered*, that the title of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

Mr Smith gave notice that he would on to-morrow, move to rescind the 29th rule heretofore adopted for the government of the proceedings of the Senate, and to substitute therefor the following: On the appointment of the standing committees the Senate will proceed by ballot severally to appoint the chairman of each committee, and then by one ballot the other members necessary to complete the same, and a majority of the whole number of

votes given shall be necessary to the choice of a chairman of a standing committee; all other committees shall be appointed by ballot and a plurality of votes shall make a choice. When any subject or matter shall have been referred to a committee, any other subject or matter of a similar nature may on motion, be referred to such committee.

A bill to be entitled an act altering the compensation of the members of the General Assembly of the state of Alabama, was read the second time.

Mr Perry moved to amend the bill by striking out "*thirty*" where it reads thus: "the members of the General Assembly of this state shall receive four dollars per diem for the first *thirty* days of its session," &c. and by inserting in lieu thereof "*forty two days*," which was carried.

Mr Abercrombie moved that the bill lie on the table till the first day of the next session, which was lost. Yeas 8—nays 12.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Anderson, Hogan, Irwin, Morton, Perry, and Smith.

Those who voted in the negative are Messrs Conner, Crawford, Evans, Garth, Hubbard, McVay, Merriwether, Pickett, Vining, Walthall, Watkins, and Wood.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

A bill to be entitled an act to prevent persons being sued out of the company beat in which they permanently reside, was read the second time and ordered to be engrossed for a third reading to-morrow.

The following communication was received from the Governor by Mr Thornton:

EXECUTIVE DEPARTMENT, *Tuscaloosa, Nov. 1829.*

To the Honorable the Senate and House of Representatives.

FELLOW-CITIZENS :—One of the important objects presented for the deliberation of your legislative body, the management of the liberal donation made by the General Government for the accomplishment of the canal around the Muscle Shoals of the Tennessee river, and the improvement of other rivers in our state, demands in my humble opinion an early consideration. We are called, by the terms on which that munificent donation was made, to lose no time in meeting the patriotic intentions of the General Government—by affording such a system of wise measures as will effect the object intended, or as much thereof as the most prudent application of the means placed in our hands will enable us to do with as much dispatch as practicable. The gain to Alabama, I make no doubt, will in ten years amount to the sum required to effect the improvement; in achieving which, however, the interest of several sister states will be materially promoted, viz: Tennessee, Kentucky, Ohio, Louisiana, and the western part of Virginia; and in this point of view it may be considered emphatically an important work of national character, and as such recommends itself to the favorable consideration of the Representatives of the people of the nation. As to the extent of improvement which can be made for the funds which will arise from the proceeds of the land we are left to vague conjecture until the report of the United States' Engineers is obtained. I have been informed, however, that they were of opinion that all obstructions below Florence could be removed, so as to admit steam boats, at all seasons, for from one hundred to one hundred and fifty thousand dollars; now, should this much be immediately effected, it cannot be doubted that a great benefit would accrue to the citizens of our state. An emporium of trade for North Alabama would be created, through which the staple of the country would pass, and no longer would the merchants of this section of country, be compelled to bring their groceries and dry goods by way of Nashville, and

thereby incur the heavy expense of land transportation, which the planter or consumer is compelled to pay.

But a large residuum of two or three hundred thousand dollars, would, in all probability, be left of the funds after effecting this part of the work.—The application of this to the worst parts of the Muscle Shoals, including the last three miles, the obstruction of Green's Bluff, and some other minor obstructions, would probably give the citizens a steam boat navigation through the shoals, for vessels of light burthen, during the spring months; and a ready access for our produce to market by flat and keel boats during the whole year; an improvement to this extent would prove of incalculable benefit to the country, and particularly to North Alabama. to say nothing of the increased facilities of obtaining salt, sugar, coffee, flour, &c. The article of cotton alone would be enhanced in value so as to produce a clear saving of fifty thousand dollars or more, annually, for the purchaser no longer fearing that his cotton might be locked up for a the want of tide (as was the case last winter) while his draft or other obligations were falling due in the eastern cities, would readily give from half a cent to a cent more per pound for the article than it would now command: indeed this is the usual difference between the prices above the shoals, and at Nashville or Florence; and on the quantity of cotton sent from the country above the shoals, will amount to something like the sum stated above.

This burthen calls loudly upon all concerned in the management of this grant for its speedy application to the object intended, and no small conveniences can counterbalance the relief which the country would obtain from having this heavy burthen removed. We therefore hope we shall not be considered as presuming too much upon the kind feelings of those who are blessed with the advantages of a free navigation, in respectfully soliciting their aid and co-operation, in accordance with the views of those who are more immediately and personally interested in the speedy removal of the obstructions which now exist to their commerce and navigation. Taking for granted then, that the propriety of immediately commencing and prosecuting this important work, will be conceded, the next question which arises, is as to the mode of operating—to whom shall this trust be delegated, what powers given them, what restrictions imposed? &c.

In this, as in all other cases, where we have the advantage of the experience of other states whose success in works of this kind, authorizes a confidence in their judicious adoption of the means to the end, I feel strongly disposed to weigh maturely the modes they have adopted to bring out works of the utility and magnitude of the one now before us. New York, Pennsylvania, and Ohio, stand prominent as examples before us, as having accomplished much to their profit and fame. Should we follow their path in executing the work by *contracts*, we must necessarily expect more from certainty of performance, as well as expedition in the final execution; the real advantage to the community of affording a profitable employment, and remuneration to the laboring and other classes of our citizens, promoting a spirit of industry and enterprize, in works of this kind amongst our people, directing their attention and energies to a species of improvement, which must ultimately prove one of the greatest resources of wealth, comfort and prosperity, of the citizens of this country, viz: *internal improvement*, give relief to pecuniary distress by scattering funds among the citizens, put in circulation an amount of money that must contribute greatly to alleviate much of the pecuniary embarrassment of our State.

Although our means for the completion of this important work are not as ample as were at first anticipated, yet we do not despair of its final accom-

plishment ; the estimates as to the land granted in the first instance, were made with reference to the high prices at which they were sold originally, at the time the country enjoyed the most unexampled prosperity, when a large amount of Mississippi stock, obtained at from 40 to 60 per cent discount, was receivable in payment, when the staple commodity of the country was selling at from 20 to 30 cents per pound. But circumstances now have unfortunately placed the country in a different situation. Cotton is now at its lowest possible price, in North America at from five to six cents only, and when a pecuniary embarrassment and distress threatens ruin to a respectable portion of our citizens, whilst these considerations have influenced the reduction of our means from the proceeds of the lands granted, this furnishes a just ground for an appeal to the General Government for a further manifestation of their liberality in aid of the advancement of this great work, and a just and legitimate ground for an application for the removal of the restrictions contained in the act, making the donation which withholds the power from the State to impose tolls. These considerations, gentlemen, to me of much weight, I submit for your legislative deliberations on this subject, which doubtless will claim no small portion of your labors.

To another subject, gentlemen, of intense interest to the citizens of our State, of a similar character, I feel it my duty to solicit your attention ; the adoption of the necessary measures to effect the junction of the Alabama and Tennessee waters—an object almost invaluable in its future consequences to the citizens of this State : whilst the modes of conveyance afforded by water communication secures to the planter much in the ultimate remuneration for his labor bestowed in the production of the raw material, this communication would at the same time extend the capital, increase the value of real estate, and the commerce of our seaport.

Every thing that can be safely effected to secure the economical transportation of the productions of our State, or even others in the rout to a foreign market, though it must be for the general interest, and it is not less palpably plain, that every just measure, that will increase the capital and beneficial commerce of that spot which nature has evidently marked out as the emporium of the trade of a respectable section of our country must be sound policy. It is then with renewed interest that I look to the junction of the two great rivers of South Alabama with the Tennessee, as a measure the beneficial consequences of which to our population, can hardly be sufficiently appreciated. Whatever, gentlemen, in the course of your deliberations may be deemed advantageous in hastening the accomplishment of those great objects, will receive my cordial approbation and support.

It will not be unexpected by the legislative body, that I point their attention to the present state of our section of the union as regards the agricultural interest of the state, and holders of public lands. From the unfortunate operation of the old mode of disposing of the public lands by the General Government, the mass of the population of this State has been placed in a situation peculiarly disagreeable and distressing. The great body of the lands that have been relinquished to the United States through a variety of causes which no human prudence or sagacity could foresee, or elude, leaves a vast portion of our population without any permanent homes or even interest in the country. That all solid prosperity of a country must be based on the agricultural is now a principle sufficiently established in political economy, and I should betray a want of knowledge of the true interest of the State, were I without a strong solicitude on the subject of the planting interest. Among other facts connected with this subject it is peculiarly painful that many very valuable citizens of our State, in consequence of the

difficulty of procuring soil under the government of their country, are daily emigrating to a foreign State, and carrying with them the population, industry and enterprise which this section of the union so loudly calls for. That the present depressed value of the staple production of our lands has placed the present minimum entirely too high, needs no proof. That a very small portion of our soil will authorize that minimum is equally plain. That the balance of the public lands must remain unoccupied and uncultivated unless by a system of occupation and cultivation the most undesirable in its consequences to the General Government as well as the State, is and must remain to be the inevitable consequence of persisting in the present mode of disposing of the public lands. It is now a matter beyond doubt that the interest of the General Government and those of this portion of the union, demand a new and different system, and I cannot but feel a strong assurance that a *better and more equitable* system of disposing of the public lands so as to give the citizens an opportunity of purchasing the different qualities of soil at an equitable price would have a happy tendency to arrest and remove much of the agricultural causes of complaint of which we now experience.

Among the alterations imperiously demanded by the state, of this section of the union, a graduating system seems to stand prominent, and that system so framed, that every capacity of citizens might have an opportunity of *immediate purchase* at an equitable price, and of improving their own circumstances and the face of the country. Any other mode will continue the state of unimproved wilderness in which large tracts of our territory have been too long kept by a *minimum* far above the value of the soil in the most prosperous periods of agriculture.

To admit an equitable purchase of the soil, as well as to meet every capacity of citizen to purchase, it would be desirable that permission should be had to purchase *forty acre tracts*, instead of the present subdivision. The great body of our citizens who have been obliged through the pressure of the times, not only to forfeit their *homes* and labour, to the General Government, but also to forfeit the amount of money already paid on the lands, calls for a special notice; and it is to be hoped that a suitable appeal to the liberality and justice of General Government, will not be unheard. Nay, we are assured it will not. Nor can it be forgotten that the present mode of sale by auction whilst it gives nothing to the Government of the United States more than a minimum, yet it becomes in the hands of capitalists, an engine for adding to the agricultural depression and distress; and to which we are obliged to charge much of that which the community now feels. I deem it one of the duties, as well as the political privileges of the Representatives of the people, to place before the Government of the Union, grievances affecting the State, and the existence of which is found to produce a state of public depression and embarrassment. Bringing with you, gentlemen, from each section of the State, the wants, and causes of agricultural depression of the people, you will be enabled to place before the Congress of the United States, in the attitude it imperiously now demands, this subject of such vital importance to our prosperity.

I have the honor to lay before you for your consideration, certain resolutions, and other documents, received from other States, viz: A resolution from the State of Louisiana in relation to an act prohibiting the introduction of slaves into that State. A resolution of the Legislature of the State of Louisiana, proposing an amendment to the Constitution of the United States with a view to make six years the term of office of the President of the United States, and afterwards to be rendered ineligible. Resolutions of the Legislature of the State of Missouri on the subject of amending the Con-

stitution of the United States, so as to give to the people of the United States the privilege of voting directly for the President and Vice President, without the intervention of electors; reserving to the States respectively their due weight in relation to said election, as is now guaranteed to them by the Constitution of the United States; and that the election of President and Vice President should in no case whatever be submitted to the decision of the House of Representatives of the U. S. A report adopted by the General Assembly of the State of Missouri, on a report and resolutions of the Legislature of the State of Georgia, relative to the Colonization Society. A resolution of the Legislature of the State of Tennessee in relation to the establishment of a Hospital at the town of Memphis. A resolution of the State of Indiana asserting her right to the unappropriated lands within her boundaries. Resolutions adopted by the Legislature of the State of South Carolina, denying the power of Congress to adopt any general system of internal improvement, and also relative to the acts of Congress in relation to the Tariff. The proceedings of the Legislature of the State of Virginia in relation to certain proceedings of the Legislatures of the States of South Carolina and Georgia upon the subject of the *Tariff and Internal Improvement Acts, &c.* Resolutions adopted by the Legislature of the State of Mississippi, relative to said Tariff acts. Documents and proceedings relating to the formation and progress of a Board in the city of New York for the emigration, preservation, and improvement, of the aborigines of America. A report of the Directors and Warden of the Connecticut State Prison, submitted to the Legislature of that State—this is transmitted to the House of Representatives, there being but one copy, and that too voluminous to be conveniently transcribed. All which subjects are most respectfully submitted for your Legislative deliberation.

GABRIEL MOORE.

Ordered, that the communication lie on the table, and that five hundred copies thereof be printed for the use of the Senate, and that the documents which accompany said communication, be also laid on the table.

Mr Moore from the joint committee on enrolled bills reported, as correctly enrolled, an act to suspend the sale of the lands granted to the state of Alabama for the purposes of internal improvement, which was accordingly signed by Mr President.

Mr President presented to the Senate the annual report of the State Treasurer on the operations of the Treasury of Alabama for the year ending the 26th November, 1829, which report, was accompanied by the following communication from the Treasurer:

TREASURER'S OFFICE, *Tuscaloosa, Nov. 27th, 1829.*

SIR:—In laying before the Legislature the enclosed report for the year 1829, I beg leave to make known through you to the House over which you preside my intention of withdrawing from the Treasury Department at the close of the year for which I have been elected, and to respectfully ask the early appointment of a committee to examine the books and management of the office. For the kind indulgence of the Legislature to which I have never appealed in vain, I owe a debt which I can never pay, but which I beg you to assure the Senate shall never cease to be remembered with feelings of gratitude. I am sir, with sentiments of the highest esteem, your very obedient servant.

JOHN C. PERRY.

Ordered, that the annual report of the Treasurer lie on the table, and that five hundred copies thereof be printed for the use of the Senate.

Mr Morton offered the following resolution: *Resolved*, that a committee be appointed on the part of the Senate to act with such committee as may

be appointed on behalf of the House of Representatives to examine the books and management of the office of State Treasurer which was adopted—whereupon messrs Morton, Crawford and Garth were appointed a committee on the part of the Senate. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

And then the Senate adjourned till to-morrow morning ten o'clock.

Saturday, Nov. 28th, 1829.

The Senate met pursuant to adjournment.

A message from the Governor by Mr Thornton: Mr President—I am instructed by the Governor to inform your honorable body that he did on the 27th inst. approve and sign the following bills: An act making appropriation for the payment of certain claims against the state; and a joint resolution providing for the appointment of a joint committee to investigate and examine the proceedings of the commissioners elected to class and value the lands given to this state for the purposes of internal improvement, both of which originated in the Senate.

Mr President laid before the Senate the following communication from the Comptroller of public accounts:

COMPTROLLER'S OFFICE, *Tuscaloosa, Nov. 28th, 1829.*

To the Hon. the President of the Senate.

SIR:—In obedience to a resolution of your honorable body instructing the Comptroller of public accounts to communicate to the Senate what amount of revenue, if any, is derived from the keepers of billiard tables, also to communicate any information he may possess relative to the evasion of the law imposing a tax on the same, I have the honor to state that there has been no revenue received from billiard tables under the existing revenue law of the state passed Jan. 13th, 1827. I do not possess any information in regard to the evasion of the law in question, but I have little doubt it is mainly owing to the excessive amount of the tax imposed, which is two thousand dollars on every billiard table kept for play. If fifty or one hundred dollars were imposed in lieu of the existing tax, it is believed the amount arising from billiard tables would soon form an important item in the revenue of the state. I have the honor to be very respectfully, &c.

SAMUEL PICKENS.

Ordered, that the communication lie on the table.

Mr Smith introduced a bill to be entitled an act to prescribe the duties of sheriff and for other purposes, which was read and ordered to a second reading on Monday next.

An engrossed bill to be entitled an act for the relief of Jane Tune was read a third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Engrossed joint resolution instructing our Senators in Congress to oppose all measures to renew the charter of the Bank of the United States, was read the third time and referred to a special committee consisting of messrs Pickett, Moore, and Hogan, to consider and report thereon.

An engrossed bill to be entitled an act to prevent persons being sued before justices of the peace out of the company beat in which they permanently reside, was read the third time. Mr Hubbard moved to reconsider the vote of the Senate ordering the bill to a third reading, which was carried. Yeas 17—nays 5.

The yeas and nays being desired those who voted in the affirmative are Mr President, Anderson, Connor, Crawford, Edmonston, Evans, Garth, Hubbard, Irwin, McVay, Meniwether, Morton, Perry, Vining, Walthall, Watkins, and Wood.

Those who voted in the negative are Messrs Abercrombie, Hogan, Moore, Pickett, and Smith.

Mr Perry moved to strike out the word "*thousand*" where the bill relates to the amount of the bond to be given by justices of the peace, which was carried. Yeas 17—nays 5.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Anderson, Conner, Crawford, Edmondson, Evans, Garth, Hubbard, Irwin, McVay, Merriwether, Morton, Perry, Vining, Walthall, Watkins, and Wood.

Those who voted in the negative are Messrs Abercrombie, Hogan, Moore, Pickett, and Smith.

Mr Hubbard moved to amend the bill where it relates to the amount of the bond to be given by magistrates for the faithful discharge of their duty with the following: "Such sum as the judge of the county court may direct, not less than five nor exceeding fifteen hundred dollars." Mr Smith moved to amend the amendment proposed by Mr Hubbard, by striking therefrom the words "fifteen hundred" with a view of inserting "two thousand" which was lost. Yeas 7—nays 14.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Anderson, Crawford, Hogan, Morton, Smith, and Watkins.

Those who voted in the negative are Mr President, Conner, Edmondson, Evans, Hubbard, Irwin, McVay, Merriwether, Moore, Perry, Pickett, Vining, Walthall, and Wood.

The question was then put on the adoption of the amendment offered by Mr Hubbard and decided in the affirmative. Mr Vining offered the following amendment to the bill: "*Provided*, the provisions of this act shall not extend to, and be in force in the county of Madison. Mr McVay moved to amend the amendment by adding thereto the words "and Lauderdale," which was lost. The question was then put on the adoption of the amendment proposed by Mr Vining and decided in the negative. Yeas 10—nays 12.

The yeas and nays being desired those who voted in the affirmative are Mr President, Abercrombie, Edmondson, Hogan, Irwin, McVay, Moore, Smith, Vining, and Wood.

Those who voted in the negative are Messrs Anderson, Conner, Crawford, Evans, Garth, Hubbard, Merriwether, Morton, Perry, Pickett, Walthall, and Watkins.

The question was then put "shall the bill be read the third time forthwith?" and decided in the affirmative. Yeas 12—nays 10.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Conner, Hogan, Hubbard, Irwin, Merriwether, Morton, Perry, Smith, Walthall, Watkins, and Wood.

Those who voted in the negative are Mr President, Anderson, Crawford, Edmondson, Evans, Garth, McVay, Moore, Pickett, and Vining.

The bill was then read the third time, and the question being put "Shall this bill pass?" it was determined in the negative. Yeas 10—nays 12.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Conner, Hogan, Hubbard, Irwin, Morton, Perry, Smith, Walthall, and Watkins.

Those who voted in the negative are Mr President, Anderson, Crawford, Edmondson, Evans, Garth, McVay, Merriwether, Moore, Pickett, and Vining.

So the bill was rejected.

A message from the House of Representatives by Mr Van Dyke; Mr President:—The House of Representatives concur in the amendments made by the Senate to the resolution proposing to go into the election of solicitors and judges of the county courts. They have adopted the following resolution in which they desire the concurrence of the Senate: *Resolved*, with the concurrence of the Senate the two Houses will elect an attorney general when they shall assemble to elect solicitors of the first and sixth judicial circuits, &c.

Ordered, that the Senate concur in the resolution from the House relating to the election of an Attorney General, and that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Tunstall: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be informed that the House is now ready to receive them in the Hall of the House for the purpose of going into the election of solicitors, judges of the county courts, &c. Whereupon the members of the Senate repaired to the Hall of the House of Representatives and having taken the seats assigned them, Mr President arose and announced the object of the meeting—when the two Houses proceeded to the election of a solicitor for the first judicial circuit to supply the vacancy occasioned by the resignation of John Elliott, Esq. David Crawford, William S. Chapman, John H. Jones, William B. Travis, Harris S. Evans, and John W. Wilson being in nomination. The vote stood thus: for Mr Crawford 25—Mr Chapman 14—Mr Jones 19—Mr Travis 16—Mr Evans 14—and Mr Wilson 5.

Those who voted for Mr Crawford are messrs Abercrombie, Conner, Crawford, Hogan, and Wood. Reps. Messrs Bates, Bibb, Brodnax, Brown, Byrnes, Coleman, Cook, Fearn, Fitts, Goldthwaite, Mead, Mims, Moore Murphree, Oliver, Penn, Pope, Ross, Ship, and Taylor.

Those who voted for Mr Chapman are messrs Perry, Pickett, Vining, and Walthall. Reps. Mr Speaker, Barclay, Craig, Hays, King, Philpott, Roulston, Van Dyke, Weissinger and Young.

Those who voted for Mr Jones are Mr President and Moore. Reps. Messrs Acklen, Banks, Bradford, Clark, Ellis, Forrest, Lane, Lawler, Ligon, Mardis, Massey, Metcalfe, Perkins, Rather, Roysdon, Smith, and Williams.

Those who voted for Mr Travis are messrs Irwin, Smith and Watkins. Reps. Messrs Curtis, Dale, Dennis, Greene, Hester, Jackson, Jones, Mobley, Morrisett, Parsons, Robinson, Russell, and Ward.

Those who voted for Mr Evans are messrs Anderson, Edmondson, Evans, Garth, Hubbard, McVay and Morton. Reps. Messrs Baker, Coopwood, Durrett, Hodges, Horton, Hudson, and McElderry.

Those who voted for Mr Wilson are Mr Merriwether. Reps. Messrs Cole, Conner, Flornoy and Grigsby.

Neither of the persons having received a majority of the whole number of votes, the two Houses proceeded to vote a second time for solicitor of the first judicial circuit.

The votes stood thus: For Mr Crawford 25—Mr Chapman 14—Mr Jones 19—Mr Travis 16—Mr Evans 14—Mr Wilson 5.

The votes stood precisely as they did on the first balloting, and neither of the persons in nomination having received a majority of the whole number of votes, the two Houses proceeded to vote a third time for solicitor of the first judicial circuit, the name of Mr Wilson being withdrawn. The votes stood thus: For Mr Crawford 26—Mr Chapman 19—Mr Jones 20—Mr Travis 14—Mr Evans 14.

Those who voted for Mr Crawford are messrs Abercrombie, Conner, Crawford, Hogan and Wood. Reps. Messrs Bates, Bibb, Brodnax, Brown, Byrnes, Coleman, Cook, Fearn, Fitts, Goldthwaite, Jackson, Mead, Mims, Moore, Murphree, Oliver, Penn, Pope, Ross, Ship and Taylor.

Those who voted for Mr Chapman are messrs Merriwether, Perry, Pickett, Vining and Walthall. Reps. Mr Speaker, Barclay, Cole, Conner, Craig, Grigsby, Hays, Hester, King, Philpott, Roulston, Van Dyke, Weissinger and Young.

Those who voted for Mr Jones are Mr President and Moore. Reps. Messrs Acklen, Banks, Bradford, Clark, Ellis, Flornoy, Forrest, Lane, Lawler, Ligon, Mardis, Massey, Metcalfe, Perkins, Rather, Roysdon, Smith and Williams.

Those who voted for Mr Travis, are messrs Irwin, Smith and Watkins. Reps. Messrs Curtis, Dale, Dennis, Green, Jones, Mobley, Morrisett, Parsons, Robinson, Russell and Ward.

Those who voted for Mr Evans, are messrs Anderson, Edmondson, Evans, Garth, Hubbard, M'Vay and Morton. Rep. Messrs Baker, Coopwood, Durrett, Hodges, Horton, Hudson, and M'Elderry.

Neither of the persons in nomination having received a majority of the whole number of votes, the two Houses proceeded to vote a fourth time for solicitor of the first judicial circuit, the name of Mr Travis being withdrawn. The votes stood thus: For Mr Crawford 38, Mr Chapman 19, Mr Jones 22, Mr Evans 14.

Those who voted for Mr Crawford, are messrs Abercrombie, Conner, Crawford, Hogan, Irwin, Watkins and Wood. Reps. Messrs Bates, Bibb, Brodnax, Brown, Byrnes, Coleman, Cook, Craig, Curtis, Dennis, Fearn, Fitts, Goldthwaite, Green, Jackson, M'Elderry, Mead, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Pope, Robinson, Ross, Ship, Taylor and Ward.

Those who voted for Mr Chapman are, messrs Merriwether, Perry, Pickett, Vining and Walthall. Reps. Mr Speaker, Barclay, Cole, Conner, Grigsby, Hays, Hester, King, Philpott, Roulston, Russell, Van Dyke, Weissinger and Young.

Those who voted for Mr Jones, are Mr President and Moore. Reps. Messrs Acklen, Banks, Bradford, Clark, Dale, Ellis, Flournoy, Forrest, Jones, Lane, Lawler, Ligon, Mardis, Massey, Metcalfe, Perkins, Rather, Roysdon, Smith and Williams.

Those who voted for Mr Evans are, messrs Anderson, Edmondson, Evans, Garth, Hubbard, M'Vay, Morton and Smith. Reps. Messrs Baker, Coopwood, Durrett, Hodges, Horton and Hudson.

Neither of the persons in nomination having received a majority of the whole number of votes, the two Houses proceeded to vote a fifth time for solicitor of the first judicial circuit. The votes stood thus: For Mr Crawford 40, Mr Chapman 18, Mr Jones 22, Mr Evans 13.

Those who voted for Mr Crawford are the same as those who voted for him on the fourth balloting, and Messrs Durrett and Hester in addition. Those who voted for Mr Chapman are the same as those who voted for him the fourth time, with exception of Mr Hester, who voted for Mr Crawford. Those who voted for Mr Jones are the same that voted for him on the first balloting. Those who voted for Mr Evans are the same that voted for him on the fourth balloting, except Mr Durrett, who voted for Mr Crawford.

Neither of the persons in nomination having received a majority of the whole number of votes, the two Houses proceeded to vote a sixth time for solicitor of the first judicial circuit. The name of Mr Evans being withdrawn, the votes stood thus: For Mr Crawford 47, Mr Chapman 20, Mr Jones 26.

Those who voted for Mr Crawford are messrs Abercrombie, Conner, Crawford, Evans, Hogan, Hubbard, Irwin, M'Vay, Morton, Watkins and Wood. Reps. Messrs Baker, Bates, Bibb, Brodnax, Brown, Byrnes, Coleman, Cook, Coopwood, Craig, Curtis, Dennis, Durrett, Fearn, Fitts, Goldthwaite, Green, Hester, Horton, Jackson, M'Elderry, Mead, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Pope, Robinson, Ross, Ship, Taylor and Ward.

Those who voted for Mr Chapman are messrs Merriwether, Perry, Pickett, Vining and Walthall. Reps. Mr Speaker, Barclay, Cole, Conner, Grigsby, Hays, Hodges, Hudson, King, Philpott, Roulston, Russell, Van Dyke, Weissinger and Young.

Those who voted for Mr Jones are Mr President, Anderson, Edmondson, Garth, Moore and Smith. Reps. Messrs Acklen, Banks, Bradford, Clark, Dale, Ellis, Flournoy, Forrest, Jones, Lane, Lawler, Ligon, Mardis, Massey, Metcalfe, Perkins, Rather, Roysdon, Smith and Williams.

David Crawford having received a majority of the whole number voting,

was declared by mr Speaker to be duly elected solicitor of the first judicial circuit. The two Houses then proceeded to the election of a solicitor for the sixth judicial circuit. Nathan Cook and William D. Pickett being in nomination, the votes stood thus : For mr Cook 29, mr Pickett 62, mr Street 1.

Those who voted for mr Cook are messrs Abercrombie, Anderson, Irwin, Perry, Walthall and Watkins. Reps. messrs Banks, Bates, Bradford, Curtis, Dale, Dennis, Fearn, Green, Jackson, Mead, Mobley, Morrisette, Oliver, Parsons, Penn, Perkins, Pope, Robinson, Ross, Russell, Taylor, Ward and Weissinger.

Those who voted for mr Pickett are mr President, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, McVay, Merriwether, Moore, Morton, Pickett, Smith, Vining and Wood. Reps. mr Speaker, Acklen, Baker, Barclay, Bibb, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Coopwood, Craig, Durrett, Ellis, Fitts, Fournoy, Forrest, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, M'Elderry, Metcalfe, Mims, Moore, Murphree, Philpott, Rather, Roulston, Roysdon, Ship, Smith, Van Dyke, Williams and Young.

Wm D Pickett having received a majority of votes. Mr Speaker therefore declared him duly elected solicitor of the sixth judicial circuit. The two Houses then proceeded to the election of a judge of the county court for Lauderdale county. Green P. Rice, William B. Wallace, Sidney C. Posey, Gilbert C. R. Mitchell and Lewis Kennedy, being in nomination, the votes stood thus : For mr Rice 7, mr Wallace 21, mr Posey 39, mr Mitchell 13, mr Kennedy 12.

Those who voted for mr Rice are messrs Anderson, Vining and Walthall. Reps. messrs Coopwood, Moore, Perkins and Philpott.

Those who voted for mr Wallace, are messrs Crawford, Garth, Merriwether and Wood. Reps. messrs Banks, Bibb, Cole, Craig, Dennis, Durrett, Fearn, Fitts, Horton, Mardis, Massey, M'Elderry, mims, morrisett, Parsons, Penn and Roulston.

Those who voted for mr Posey are mr President, Abercrombie, Conner, Edmondson, Evans, moore, morton, Perry and Watkins. Reps. messrs Acklen, Baker, Bates, Bradford, Brodnax, Brown, Byrnes, Coleman, Curtis, Dale, Forrest, Green, Grigsby, Hays, Hester, Hudson, Jackson, King, Lane, mead, murphree, Oliver, Pope, Rather, Robinson, Ross, Russell, Taylor, Van Dyke and Weissinger.

Those who voted for mr mitchell are messrs Hogan, Hubbard and Irwin. Reps. mr Speaker, Barclay, Clark, Fournoy, Goldthwaite, Hodges, Ligon, Roysdon, Smith and Williams.

Those who voted for mr Kennedy are messrs m'Vay, Pickett and Smith. Reps. messrs Conner, Ellis, Jones, Lawler, metcalfe, mobley, Ship, Ward and Young.

Neither of the persons in nomination having received a majority of the whole number of votes, the two Houses proceeded to vote a second time for judge of the county court of Lauderdale county—the name of Mr Rice being withdrawn. For Mr Wallace 25, Mr Posey 46, Mr Mitchell 11, Mr Kennedy 11.

Those who voted for mr Wallace are messrs Crawford, Garth, Irwin, merriwether, Walthall and Wood. Reps. messrs Bibb, Clark, Cole, Craig, Dennis, Durrett, Fearn, Fitts, Horton, Jackson, mardis, massey, m'Elderry, mims, morrisett, Parsons, Penn, Roulston and Van Dyke.

Those who voted for mr Posey are mr President, Abercrombie, Conner, Edmondson, Evans, moore, morton, Perry, Vining and Watkins. Reps. messrs Acklen, Baker, Banks, Bates, Bradford, Brodnax, Brown, Byrnes, Coleman, Curtis, Dale, Ellis, Forrest, Green, Grigsby, Hays, Hester, Hudson, King, Lane, mead, metcalfe, moore, murphree, Oliver, Philpott, Pope, Rather, Richardson, Robinson, Ross, Russell, Smith, Taylor, Weissinger and Williams.

Those who voted for mr mitchell are messrs Anderson, Hogan and Hubbard. Reps. mr Speaker, Barclay, Coopwood, Fournoy, Goldthwaite, Hodges, Ligon and Roysdon.

Those who voted for mr Kennedy are messrs m'Vay, Pickett and Smith. Reps. messrs Conner, Jones, Lawler, mobley, Perkins, Ship, Ward and Young.

Neither of the persons in nomination having received a majority of the whole number of votes—the two Houses proceeded to vote a third time for judge of the county court of Lauderdale county—the name of Mr Kennedy being withdrawn. The votes stood thus : For Mr Wallis 31, Mr Posey 54, Mr Mitchell 8.

Those who voted for mr Wallace are messrs Crawford, Garth, Hogan, Irwin, merriwether, Pickett, Smith, Walthall and Wood. Reps. messrs Bibb, Byrnes, Clark, Cole, Craig, Dennis, Durrett, Fearn, Fitts, Horton, Jackson, mardis, massey, m'Elderry, mims, Mobley, morrisett, Parsons, Penn, Roulston and Ward.

Those who voted for mr Posey are mr President, Abercrombie, Anderson, Conner, Edmondson, Evans, m'Vay, moore, morton, Perry and Watkins. Reps. mr Speaker, Acklen, Baker, Banks, Bates, Bradford, Brodnax, Brown, Coleman, Conner, Curtis, Dale, Ellis, Forrest, Green, Grigsby, Hays, Hester, Hudson, Jones, King, Lane, Lawler, mead, metcalfe, moore, murphree, Oliver, Perkins, Philpott, Pope, Rather, Robinson, Ross, Russell, Ship, Smith, Taylor, Van Dyke, Weissinger and Williams.

Those who voted for mr mitchell are mr Hubbard. Reps. messrs Coopwood, Flournoy, Goldthwaite, Hodges, Ligon and Roysdon.

Sidney Posey having received a majority of the whole number of votes, Mr Speaker therefore declared him duly elected judge of the county court for Lauderdale county. The two Houses then proceeded to the election of a judge of the county court for Conecuh county, Joel A. Lisle alone being in nomination. For Mr Lisle 75 votes.

Those who voted for mr Lisle are mr President, Abercrombie, Anderson, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, m'Vay, merriwether, morton, Perry, Pickett, Smith, Vining, Walthall, Watkins and Wood. Reps. mr Speaker, Acklen, Banks, Barclay, Bibb, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Curtis, Dale, Dennis, Ellis, Fearn, Flournoy, Forrest, Goldthwaite, Green, Hester, Hodges, Horton, Hudson, Jones, King, Lane, Lawler, mardis, massey, m'Elderry, mims, mobley, moore, morrisett, murphree, Oliver, Parsons, Perkins, Philpott, Rather, Robinson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young.

Joel A. Lisle having received all the votes present, was declared by Mr Speaker to be duly elected judge of the county court for Conecuh county. The two Houses then proceeded to the election of a judge of the county court for Fayette county, Rody Smith and Eh Loftin being in nomination.—The vote stood thus : For Mr Smith 50, Mr Loftin 37.

Those who voted for mr Smith are messrs Abercrombie, Crawford, Edmondson, Hubbard, merriwether, moore, Perry, Pickett, Smith, Vining, Walthall and Watkins. Reps. mr Speaker, Barclay, Bradford, Brodnax, Byrnes, Clark, Conner, Craig, Curtis, Dale, Dennis, Ellis, Green, Grigsby, Hays, Hester, Hudson, Jackson, Lane, m'Elderry, Jones, King, mead, metcalfe, mobley, moore, murphree, Parsons, Penn, Roulston, Roysdon, Russell, Ship, Smith, Van Dyke, Ward, Weissinger and Williams.

Those who voted for mr Loftin are mr President, Anderson, Conner, Garth, Hogan, Irwin, m'Vay, morton and Wood. Reps. messrs Acklen, Baker, Banks, Bates, Bibb, Brown, Cole, Coleman, Durrett, Fearn, Fitts, Flournoy, Forrest, Goldthwaite, Hodges, Horton, Lawler, mardis, massey, mims, Oliver, Perkins, Philpott, Rather, Robinson, Ross, Taylor and Young.

Mr Smith having received a majority of votes, Mr Speaker therefore declared him duly elected judge of the county court for Fayette county. The two Houses then proceeded to the election of a judge of the county court for Walker county. David Murphy, Eli Cornwall, and John L. Bickerstaff being in nomination. The vote stood thus : For Mr Murphy 60, Mr Cornwall 12, Mr Bickerstaff 14.

Those who voted for mr murphy are mr President, Abercrombie, Conner, Crawf

ford, Edmondson, Evans, Garth, Hogan, Hubbard, m'Vay, merriwether, moore, morton, Perry, Pickett, Smith, Walthall, Watkins and Wood. Reps. mr Speaker, Acklen, Barclay, Bates, Bibb, Bradford, Brodnax, Brown, Cole, Curtis, Dale, Durrett, Grigsby Hays, Hester, Hudson, Jackson, Lane, Lawler, mardis, massey, m'Elderry, mead, mobley, moore, morrisett, murphree, Parsons, Penn, Perkins, Ross, Roulston, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young.

Those who voted for mr Cornwall are mr Anderson. Reps. messrs Baker, Dennis, Fitts, Forrest, Hodges, Horton, Jones, King, mims, Rather and Roysdon.

Those who voted for mr Bickerstaff are mr Vining. Reps. messrs Banks, Byrnes, Clark, Coopwood, Ellis, Fearn, Fournoy, Goldthwaite, Green, Ligon, Oliver, Philpott and Robinson.

Mr Murphy having received a majority of votes, Mr Speaker therefore declared him duly elected judge of the county court for Walker county. The two Houses then proceeded to the election of a judge of the county court for Morgan county, Charles W. Peters alone being in nomination.

Those who voted for mr Peters are mr President Abercrombie Anderson Conner Crawford Edmondson Garth Hogan Hubbard Irwin m'Vay merriwether moore morton Perry Pickett Smith Vining Walthall Watkins and Wood Reps. mr Speaker Acklen Baker Banks Barclay Bates Bradford Brodnax Brown Byrnes Clark Cole Coleman Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Fitts Fournoy Forrest Goldthwaite Green Grigsby Hays Hester Hodges Horton Hudson Jackson Jones King Lane Lawler Ligon mardis massey m'Elderry mead metcalfe mims mobley moore morrisette murphree Oliver Parsons Penn Perkins Philpott Rather Robinson Ross Roulston Roysdon Russell Ship Smith Taylor Van Dyke Ward Weissinger Williams and Young.

Mr Peters having received a majority of votes, Mr Speaker therefore declared him duly elected judge of the county court for Morgan county. The two Houses then proceeded to the election of an attorney general for the State of Alabama, Constantine Perkins alone being in nomination. For Mr Perkins 88 votes.

Those who voted for mr Perkins are mr President Abercrombie Anderson Conner Crawford Edmondson Garth Hogan Irwin m'Vay merriwether moore morton Perry Pickett Smith Vining Walthall Watkins and Wood. Reps. mr Speaker Acklen Baker Banks Barclay Bates Bradford Brodnax Brown Byrnes Clark Cole Coleman Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Fitts Fournoy Forrest Goldthwaite Green Grigsby Hays Hester Hodges Horton Hudson Jackson Jones King Lane Lawler Ligon massey m'Elderry mead metcalfe mims mobley moore morrisett murphree Oliver Parsons Penn Philpott Pope Rather Robinson Ross Roulston Roysdon Russell Ship Smith Taylor Van Dyke Ward Weissinger Williams and Young.

Mr Perkins having received a majority of votes, Mr Speaker therefore declared him duly elected attorney general for the State of Alabama.

The elections being completed, the Senate withdrew, returned to their own chamber, and Mr President resumed the chair—when on motion the Senate adjourned till Monday morning 10 o'clock.

Monday, Nov. 30, 1829.—The Senate met pursuant to adjournment.

Mr Edmondson from the committee on Roads, Bridges, and Ferries, to which was referred the petition of sundry citizens of Dallas county, praying the alteration of the State Road leading from Selma to Pleasant Valley, reported a bill to be entitled an act to extend the power of the county court of Dallas county in relation to roads, which was read and ordered to a second reading to-morrow.

Mr Hubbard from the committee on the judiciary submitted the following report: The committee on the judiciary to whom was referred that part of the Governor's message which recommends an increase of the salaries of

judges and solicitors have had the same under consideration and are of opinion that their salaries are fully sufficient to compensate them for their services; that under the present embarrassment of the people of this state, greater compensation ought not to be expected, and if wished for by those officers ought not to be given by the Government. The committee have therefore instructed me to report that, in their opinion, it is inexpedient to give those officers any higher salaries than they now receive; in which report they desire the concurrence of the Senate.

The question being put on concurring in the report, it was decided in the affirmative.

Mr Perry from the same committee to which was referred a resolution of the Senate instructing them to inquire into the expediency of passing a law authorizing the taking of depositions where the witness resides out of the county where the suit is pending, and of compelling the persons taking depositions to notify the opposite party instead of or in addition to the notice served on the attorney when the opposite party resides in the county where the suit is pending, reported that it is inexpedient in the opinion of the committee to pass such a law, which was concurred in.

Mr Watkins from the committee on privileges and elections submitted the following report:

The committee on privileges and elections to which was referred the memorial of James Jackson of Lauderdale county, and the accompanying documents, contesting the election of Hugh McVay of said county, have had the same under consideration, and beg leave to report:

That according to the provisions of the constitution of the state of Alabama each House of the General Assembly have the power of judging of the qualifications, elections and returns of its respective members; but that a contested election shall be determined in such manner as shall be directed by law. The law prescribing the mode of contesting elections, approved, December 14, 1827, requires that a notice shall be given by the contesting party to the person whose election he wishes to contest, in writing within twenty days after his election, setting forth specially the grounds upon which he will attempt to invalidate his election; which notice shall be served by the sheriff or other officer, as judicial writs are required to be served; and upon examination, the committee are of opinion, that the law has not been strictly and technically complied with in this case, but without pretending to say that the opposing party evaded the service of the notice, they are satisfied that the contesting party has used due diligence in attempting to comply with the law in this particular, and are therefore further of opinion that neither accidental nor wilful absence from the county or state should prejudice the contesting party if upon inquiry it be found that he has a majority of legal votes.

Acting therefore upon the belief, that no people can or ought to be deprived of representation constitutionally obtained for want of the compliance with the technicalities of the law, the committee proceeded to ascertain in the next place which of the parties had obtained a majority of legal votes, and after a laborious examination of the returns from the different precincts of Lauderdale county, and a comparison of the depositions with the lists and ballots, the following results have been obtained.

It appears conclusively to the committee that Hugh McVay from the returns in the Secretary of State's office, obtained six hundred and sixty-six votes, and that James Jackson received six hundred and fifty seven votes for Senator, in the district composed of the county of Lauderdale at the election holden for said county on the first Monday in August last.

The committee have further ascertained that by comparing the depositions taken agreeable to law with the lists and ballots, Hugh McVay has received twenty-four illegal votes; ten of whom were under the age of twenty-one years; ten had not resided long enough in the state; one a felon; and two persons were discovered to have voted twice; and another person residing on the Tennessee line and had never paid taxes in the county of Lauderdale. Subtracting, therefore, the twenty-four illegal votes from the number received by Hugh McVay there will then be a majority of ballots for James Jackson of fifteen:—therefore the committee recommend the adoption of the following resolution: *Resolved*, that James Jackson is entitled to the seat in this House as Senator from the county of Lauderdale which is now occupied by Hugh McVay; and that Hugh McVay is not entitled to the same. (Signed) JOHN WATKINS, *Chairman*.

On motion of Mr Moore: *Ordered*, that the report lie on the table till to-morrow.

Mr Smith offered the followeng resolution: *Resolved*, that the parties in the contested election between James Jackson and Hugh McVay may have liberty to appear within the bar of the Senate by council, which was adopted. Yeas 15—nays 6.

The yeas and nays being desired on the adoption of the resolution, those who voted in the affirmative are Messrs Anderson, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Irwin, Moore, Pickett, Smith, Vining Walthall, Watkins, and Wood.

Those who voted in the negative are Mr President, Abercrombie, Hubbard, Merriwether, Morton, and Perry.

Mr Pickett from the committee on propositions and grievances to which was referred the petition of Edwin Lewis, praying the Legislature to pass a law authorizing him to collect certain forfeited bonds and appropriate one half to his own use, reported that the committee have come to the conclusion that the prayer of the petitioner is unreasonable and ought not to be granted, which was concurred in.

Mr Moore presented the account of the sheriff of Jackson county against the state, which was referred to the committee on accounts and claims.

Mr Walthall called up the Governor's communication of the 27th inst.

Ordered, that the communication together with the accompanying documents be referred to a committee of the whole House and made the order of the day for to-morrow.

Mr Hogan from the committee on the State Bank, to which was recommended a bill to be entitled an act to impose additional duties on the Treasurer of the state of Alabama, reported the same as amended, which was concurred in. *Ordered*, that the bill lie on the table.

Mr Wood presented the annual report of the Quarter Master General, which was referred to the military committee.

Mr Moore introduced a bill to be entitled an act to repeal in part an act passed December 5th, 1809 entitled an act establishing patrols, which was read and ordered to a second reading to-morrow.

A memorial and joint resolution to the Congress of the United States, relating to the boundary line between the state of Alabama and Florida, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to secure to females coverts their estates was read the second time and referred to the committee on the judiciary to consider and report thereon.

A bill to be entitled an act to alter and amend an act entitled an act to

enable the state of Alabama to sell and dispose of certain lands therein named, was read the second time and ordered to lie on the table.

A bill to be entitled an act to alter and amend the charter of incorporation of the city of Mobile, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to prescribe the duties of sheriffs and for other purposes, was read the second time and referred to the committee on the judiciary.

A bill to be entitled an act to alter the time of holding the county courts of Jefferson county, was read the second time and ordered to a third reading to-morrow.

A bill from the House of Representatives entitled an act to change the mode of compensating jurors in the county of Pike, was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

An engrossed bill to be entitled an act altering the mode of compensating the members of the General Assembly of the state of Alabama, was read the third time. Mr Irwin offered the following amendment to the bill by way of rider: "Provided the provisions of this act shall not extend to any member who will vote for an adjournment *sine die* at the expiration of forty-two days, which was rejected. Yeas 9—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Anderson, Conner, Crawford, Hogan, Irwin, Moore, Perry, Smith.

Those who voted in the negative are Mr President, Edmondson, Evans, Garth, Hubbard, McVay, Merriwether, Morton, Pickett, Vining, Walthall, Watkins, and Wood.

The question was then put, "Shall the bill pass?" and determined in the negative. Yeas 9—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are Messrs Conner, Crawford, Evans, Garth, McVay, Merriwether, Pickett, Walthall, and Wood.

Those who voted in the negative are Mr President, Abercrombie, Anderson, Edmondson, Hogan, Hubbard, Irwin, Moore, Morton, Perry, Smith, Vining, and Watkins. So the bill was rejected.

Mr Anderson introduced a bill to be entitled an act to define the prison bounds of the several counties of this state, which was read and ordered to a second reading to-morrow.

Mr Evans introduced a bill to be entitled an act to authorize Eli Holly to emancipate his female slave named Bet, which was read and ordered to a second reading to-morrow.

Mr Abercrombie offered the following resolution: *Resolved*, that a committee be appointed to inquire whether the United States' agent for the Creek Nation of Indians has used any, or proper, exertions to cause the said Nation of Indians to remove from within the chartered limits of the state, or whether his conduct has been such towards that nation as has prevented or tended to prevent their removal, or otherwise improper and prejudicial to the interests of Alabama, with leave to report a memorial to the President of the United States upon that subject, which was adopted—whereupon messrs Abercrombie, Perry, and Hubbard were appointed said committee.

Mr Hogan introduced a bill to be entitled an act to authorize notaries public of the several counties of this state to take acknowledgements or proofs of deeds, and relinquishments of dower, which was read and ordered to a second reading to-morrow.

And then the Senate adjourned till to-morrow morning ten o'clock.

Tuesday, Dec. 1st, 1829.

The Senate met pursuant to adjournment.

Mr Moore presented the memorial of sundry citizens of Jackson county on the subject of the establishment of a turnpike road in said county, which was read and referred to a select committee consisting of messrs Moore, Conner and Vining to examine and report thereon.

A message from the House of Representatives by mr McClellan: Mr President—The House of Representatives have read three several times and passed bills which originated in their House entitled an act to repeal in part and amend an act entitled an act to establish a certain road therein mentioned, approved January 13th, 1829; and joint resolution to authorize the building committee to procure the necessary furniture for the Executive rooms in the state capitol: in which they desire the concurrence of the Senate. They concur in the resolution of the Senate appointing a committee to examine the books and management of the State Treasurer, and have appointed a committee on their part consisting of Messrs Taylor, Bibb, and Goldthwaite.

They have adopted the following resolution, in which they desire the concurrence of the Senate: *Resolved*, with the concurrence of the Senate, that a committee of three persons be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate for the purpose of drafting such rules of order as may be necessary for the government of the two Houses when in joint meeting, and have appointed on their part Messrs Fluornoy, Parsons and Penn.

A bill from the House of Representatives entitled an act to repeal in part and amend an act entitled an act to establish a certain road therein named, and joint resolution to authorize the building committee to procure the necessary furniture for the Executive rooms in the state capitol, were severally read the first time and ordered to a second reading to-morrow. *Ordered*, that the Senate concur in the resolution from the House of Representatives, proposing the appointment of a joint committee for the purpose of drafting such rules of order as may be necessary for the government of the two Houses when in joint meeting: whereupon Messrs Garth, Crawford, and Wood were appointed the committee on the part of the Senate. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

The Senate resumed the consideration of the report of the committee on privileges and elections, in the case of the contested election between James Jackson and Hugh McVay for Senator from the county of Lauderdale.

Mr Moore moved to amend the resolution reported by the committee, by striking therefrom all after the word '*Resolved*,' and inserting the following: "That because it does not appear that a notice was given to Hugh McVay according to law that his election would be contested, and that the reasons alleged why he should be removed from his seat in the Senate, and James Jackson be entitled to the same, are too vague, uncertain, and indefinite, and do not afford McVay an opportunity for a fair defence against them; therefore McVay is entitled to retain his seat in the Senate."

Mr Garth moved that the report together with the proposed amendment, lie on the table till to-morrow, which was carried.

Mr Moore from the committee on the judiciary submitted the following report: The committee on the judiciary to whom was referred so much of the Governor's message as relates to a revision of the criminal laws, have had that subject under consideration, and have instructed me to report that, though the laws may be defective, that they are not aware of any amend-

ment which they can propose except such as are proposed by a bill now in progress before the Senate, and ask to be discharged from the further consideration of the subject, which was agreed to.

Mr Moore from the same committee to which was referred a resolution on the subject, reported a bill to be entitled an act explanatory of the law on the subject of solicitors' fees in suits in chancery, which was read and ordered to a second reading to morrow.

Mr Crawford from the committee on schools and colleges, and shool and college lands, to which was referred the petition of the President and Trustees of the La Grange College, reported a bill to be entitled an act to establish the La Grange College, which was read. Mr Anderson moved that the bill lie on the table, which was lost. Yeas 1—Nays 21.

The yeas and nays being desired, Mr Anderson, voted in the affirmative.

Those who voted in the negative are Mr President, Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, McVay, Merriwether, Moore, Morton, Perry, Pickett, Smith, Vining, Walthall, Watkins, and Wood.

Ordered, that the bill be made the order of the day for a second reading to-morrow.

Mr Perry from the committee on the judiciary to which was referred a resolution instructing them to inquire into the expediency of establishing a separate supreme court, reported a bill to be entitled an act to provide for the election of judges of the supreme court, which was read and ordered to a second reading to morrow.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be now invited to assemble in the Hall of the House of Representatives at 12 o'clock this day, for the purpose of going into the election of a judge of the county court for the county of Limestone.

Mr Perry moved to amend the resolution by striking out all after the word "*Resolved*," and inserting the following: "That, with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives this day at 12 o'clock, for the purpose of going into the election of a judge of the county court of the county of Limestone, which was carried. *Ordered*, that the Secretary acquaint the House of Representatives therewith

Engrossed joint resolution to authorize the appointment of a commissioner to act with such commissioner as may be appointed by the United States, to define the line between this state and Florida, was read the third time and passed. *Ordered*, that the title of the resolution be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Engrossed memorial to Congress relating to the boundary line between the state of Alabama and West Florida, was read the third time and passed. *Ordered*, that the memorial be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to amend the charter of incorporation of the city of Mobile, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill from the House of Representatives entitled an act to alter the times of holding the county court of Jefferson county, was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to define the prison bounds in the several counties in this state, was read the second time and referred to the committee on the judiciary.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will convene in the Representative Hall at the hour of 12 o'clock on this day, for the purpose of going into the election of a Judge of the county court of the county of Limestone. Mr Moore moved that the resolution lie on the table, which was lost. *Ordered*, that the Senate concur in the resolution, and that the Secretary inform the House thereof.

A bill to be entitled an act to repeal in part an act passed December 5th, 1809, entitled an act establishing patrols; an act to authorize Eli Holly to emancipate a female slave named Bet; and an act to extend the powers of the county court of Dallas county in relation to roads. were severally read the second time and ordered to be engrossed for a third reading to morrow.

A bill to be entitled an act to authorize notaries public of the several counties of this state to take acknowledgements or proofs of deeds, and relinquishments of dower, was read the second time and referred to the committee on the judiciary.

On motion of Mr Hogan, *Ordered*, that the rule proposed by Mr Smith in lieu of the 29th rule now in force for the government of the Senate, lie on the table till Monday next.

The Senate according to order, resolved itself into a committee of the whole on the Governor's message, Mr Walthall in the chair, and after some time spent in the consideration thereof the committee rose, Mr President resumed the chair, and Mr Walthall reported the following resolutions: 1st *Resolved*, that so much of the Governor's message as relates to the contemplated canal around the Muscle Shoals and the funds to be appropriated to the accomplishment of that object, be referred to the committee on inland navigation. 2d *Resolved*, that so much of the Governor's message as relates to the contemplated canal connecting the waters of the Tennessee with those of the Alabama river, be referred to the committee on inland navigation. 3rd *Resolved*, that so much of the Governor's message as relates to the public and relinquished lands within this state, be referred to a special committee. 4th *Resolved*, that the documents which accompanied the Governor's message be referred to a special committee. 5th *Resolved*, that so much of the Governor's message as relates to the subject of agriculture, be referred to a special committee. All of which were severally read and adopted.

Agreeably to the third resolution. Mr President appointed a special committee to consist of messrs Hubbard, Perry, and Conner. Agreeably to the 4th resolution. Mr President appointed a special committee to consist of messrs Perry, Anderson, and Garth. Agreeably to the 5th resolution, Mr President appointed a special committee to consist of messrs Smith, Pickett and Merriwether.

Mr Crawford offered the following resolution: *Resolved*, that the Senate entertain a high sense of the ability, integrity and zeal with which the Hon. John Murphy, late Governor of this state has discharged the duties of the Executive office for the last four years, and that the President of the Senate be requested to transmit to him a copy of this resolution as expressive of the sense of the Senate, and the question being put on the adoption of the resolution, it was decided in the affirmative. Yeas 14—Nays 7.

The yeas and nays being desired those who voted in the affirmative are Mr Presi-

dent. Crawford, Evans, Garth, Hogan, Irwin, McVay, Merriwether, Moore, Pickett, Smith, Vining, Walthall, and Watkins.

Those who voted in the negative are Messrs Abercrombie, Anderson, Conner, Edmondson, Morton, Perry, and Wood. So the resolution was adopted.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives concur in all the several amendments made by the Senate to the resolution proposing to go into the election of Judge of the county court for the county for Limestone.

Mr Irwin offered the following resolution: *Resolved*, that the Senate will now proceed to elect a committee to act with such committee as may be elected by the other House, to investigate and examine the proceedings of the commissioners elected to class and value the lands given to the State for the purpose of internal improvement, which was adopted—whereupon the Senate proceeded to elect the committee specified in said resolution, messrs Abercrombie, Crawford, Hogan, Irwin, Moore, and Conner being in nomination. The vote stood thus: For Mr Abercrombie 15, Mr Crawford 14, Mr Hogan 17, Mr Irwin 4, Mr Moore 10, Mr Conner 3.

Those who voted for Mr Abercrombie are Mr President, Anderson, Conner, Crawford, Evans, Hogan, Hubbard, Irwin, McVay, Merriwether, Moore, Perry, Smith, Watkins, and Wood.

Those who voted for Mr Crawford are Mr President, Abercrombie, Edmondson, Evans, Hogan, Hubbard, Irwin, McVay, Merriwether, Moore, Perry, Pickett, Watkins, and Wood.

Those who voted for Mr Hogan are Mr President, Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hubbard, Irwin, Merriwether, Moore, Perry, Pickett, Smith, Vining, Walthall, and Wood.

Those who voted for Mr Irwin are messrs Abercrombie, McVay, Smith and Vining.

Those who voted for Mr Moore are messrs Anderson, Conner, Crawford, Edmondson, Garth, Hogan, Pickett, Vining, Walthall, and Watkins.

Those who voted for Mr Conner are messrs Anderson, Garth, and Walthall.

Messrs Abercrombie, Crawford, and Hogan having received a majority of votes were declared to be duly elected members of the committee to investigate and examine the proceedings of the commissioners elected to class and value the lands granted to this State for purposes of internal improvement.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, That the Senate be informed that the House of Representatives are now ready to receive them in the Hall of the House of Representatives for the purpose of going into the election of a Judge of the county court of the county of Limestone. Whereupon the members of the Senate repaired to the Hall of the House of Representatives and having taken their seats, Mr President declared the object of the meeting, when the two Houses proceeded to elect a Judge of the county court of Limestone county. William Richardson and William J. Mason being in nomination, the vote stood thus: for Mr Richardson 44—Mr Mason 50.

Those who voted for Mr Richardson are Mr President, Abercrombie, Anderson, Conner, Crawford, Evans, Hubbard, Irwin, Moore, Morton, Watkins, Reps. Banks, Bates, Bibb, Bradford, Brodnax, Byrnes, Clarke, Coleman, Conner, Coopwood, Dale, Darrett, Ellis, Fitts, Flornoy, Goldthwaite, Hodges, Horton, Jackson, Jones, Mead, Metcalfe, Mims, Mobley, Morrisett, Murphree, Oliver, Perkins, Pope, Ross, Roysdon, Ship, and Taylor.

Those who voted for Mr Mason are messrs Edmondson, Garth, Hogan, McVay, Merriwether, Perry, Pickett, Smith, Vining, Walthall, and Wood. Reps. Mr Speaker, Acklen, Baker, Barclay, Brown, Cole, Cook, Craig, Curtis, Dennis, Fearn, For-

rest, Greene, Grigsby, Hays, Hester, Hudson, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Moore, Parsons, Penn, Philpott, Rather, Richardson, Robinson, Roulston, Russell, Smith, Van Dyke, Ward, Weissinger, Williams, and Young.

William J. Mason, having received a majority of the whole number of votes, was declared by Mr Speaker to be duly elected Judge of the county court of Limestone county. The election being completed, the Senate with Mr W. returned to their own chamber, and Mr President resumed the chair. And then the Senate adjourned till to-morrow morning at ten o'clock.

Wednesday, Dec. 2nd, 1829.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Tunstall: Mr President—The House of Representatives have elected a committee consisting of Messrs Fearn, Parsons, and Goldthwaite, to act with the committee appointed on the part of the Senate to investigate and examine the proceedings of the commissioners elected to class and value the lands given to this state for the purposes of internal improvement.

Mr Perry from the committee on the judiciary to which was referred a bill to be entitled an act to prescribe the duties of sheriffs and for other purposes, reported the same as amended. Mr Watkins moved further to amend the amendment proposed by the committee, by inserting the words "and taxation" after the word "representation," where the bill reads thus: "That in the alteration of county boundaries, or the establishment of new counties, the people as to the right of *representation* shall belong to, and vote with the county from which they may have been taken," &c. which motion was lost. Yeas 4—Nays 16

The yeas and nays being desired, those who voted in the affirmative are Messrs Anderson, Edmondson, Walthall, and Watkins.

Those who voted in the negative are Mr President, Abercrombie, Evans, Geth, Hogan, Hubbard, Irwin, McVay, Merriwether, Moore, Morton, Perry, Pickett, Smith, Vining, and Wood.

The question was put on concurring in the amendments proposed by the judiciary committee to the bill, and carried. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Perry from the same committee to which was referred a bill to be entitled an act to authorize notaries public of the several counties of this state, to take acknowledgements or proof of deeds, and relinquishments of dower, reported the same without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Perry from the same committee to which was referred a bill to be entitled an act to secure to *femes covert* their estates, reported the same with sundry amendments, which were concurred in. *Ordered*, that the bill lie on the table till Friday next.

Mr Perry from the same committee to which was referred a resolution instructing them to inquire into the expediency of revising, amending, and consolidating the several acts now in force relative to the estates of deceased persons, and the duties of executors, administrators, guardians, and trustees of such estates, and that said committee report a bill providing for the appointment of a suitable person or persons to perform said duty or otherwise as they may deem expedient, reported that in as much as provision must be made at the next session for digesting the laws of this state, it is deemed inexpedient at this time to legislate on the subject, which was concurred in.

Mr Perry from the same committee to which was referred a resolution instructing them to inquire into the expediency of so amending the constitution of the state of Alabama, that the Legislature thereof shall not remain in session longer than five weeks, unless in cases of great emergency and supported by three fourths of both branches, reported that it is expedient in the opinion of the committee to make the amendment proposed. On motion of Mr Pickett. *Ordered*, that the report lie on the table till Friday next.

Mr Hubbard from the committee on the judiciary, to which was referred a bill to be entitled an act the better to secure trials in capital cases by impartial jurors, reported the same with sundry amendments. *Ordered*, that the bill, together with the proposed amendments lie on the table, till to-morrow.

Mr Moore from the same committee to which was referred a bill to be entitled an act to define the prison bounds of the several counties of this state, reported the same as amended. *Ordered*, that the bill and proposed amendments lie on the table.

The Senate resumed the consideration of the report of the committee of privileges and elections, in the case of the contested election between James Jackson and Hugh McVay for Senator from the county of Lauderdale. The question being on Mr Moore's motion, to strike out the resolution reported by the committee, and insert, in lieu thereof the amendment offered by him on yesterday: Mr Perry called for a division of the question so as to have the vote first taken on striking out. The Hon. John Gayle thereupon appeared as the counsel of Mr Jackson, and commenced an argument in support of his claims to the seat in the Senate now occupied by Mr McVay. The usual hour of adjournment having arrived the Senate adjourned till three o'clock this evening.

Evening Session.—The Senate again resumed the consideration of the report of the committee on privileges and elections in the contested election between James Jackson and Hugh McVay for a seat in the Senate from Lauderdale county, and Judge Gayle continued and concluded his argument in support of the report of the committee and in favor of the claims of Mr Jackson.

Judge Shortridge thereupon, as the counsel of Mr McVay, commenced his reply to the argument of Judge Gayle and in support of the claims of Mr McVay to the seat in the Senate now occupied by him as Senator from the county of Lauderdale. The hour of adjournment having arrived the Senate adjourned till to-morrow morning at nine o'clock.

Thursday, 3rd Dec. 1829.

The Senate met pursuant to adjournment.

Mr Hogan presented the memorial of the grand jury of Mobile county, praying an alteration in the law restraining and regulating tippling houses, which was read. Mr Hogan moved that the resolution be referred to the committee on the judiciary, which was lost. *Ordered*, that it be referred to the committee on propositions and grievances.

Mr Morton asked to be excused from serving on the joint committee appointed to examine the books and management of the office of the State Treasurer in consequence of having to attend meetings of the board of trustees of the University, which was agreed to—whereupon Mr Edmondson was appointed a member of the joint committee in his place.

Mr Hogan asked to be excused from serving on the committee of county boundaries, being a member of seven committees in addition to the one on county boundaries, which was agreed to.

On motion of Mr Hegan, *ordered*, that Mr Perry be added to the committee on county boundaries. Mr Merriwether moved that Mr Evans be added to the committee on county boundaries, which was carried. On motion of Mr Abercrombie, *ordered*, that Mr Pickett be added to the committee on county boundaries. On motion of Mr Anderson, *ordered*, that Mr Vining be added to the committee on county boundaries.

Mr Garth introduced a bill to be entitled an act to extend the time for final settlement of the accounts of the taxcollector of Morgan county, which was read and ordered to a second reading to-morrow.

An engrossed bill to be entitled an act to repeal in part an act passed December 5th, 1809, entitled an act establishing patrols, was read the third time, and the question being put, "shall the bill pass?" it was decided in the negative. Yeas 1—Nays 19.

The yeas and nays being desired, Mr Moore voted in the affirmative.

Those who voted in the negative are Mr President, Abercrombie, Anderson, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Irwin, McVay, Merriwether, Morton, Perry, Pickett, Smith, Vining, Walthall, and Watkins. So the bill was rejected.

An engrossed bill to be entitled an act to authorize Eli Holly to emancipate his female slave named Bet, and an act to extend the powers of the county court of Dallas county in relation to roads, were severally read the third time and passed.

Ordered, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

The Senate then resumed the consideration of the report of the committee on privileges and elections in the contest between James Jackson and Hugh McVay for a seat in the Senate from the county of Lauderdale.

Judge Shortridge continued and concluded his argument in opposition to the report of the committee, and in favor of the claims of Mr McVay.

Judge Gayle then rejoined and concluded the argument on the part of Mr Jackson.

On motion of Mr Watkins: *Ordered*, that the report and proposed amendment lie on the table.

And then the Senate adjourned till to-morrow morning at ten o'clock.

Friday, Dec. 4th, 1829.

The Senate met pursuant to adjournment.

Mr Vining from the special committee to which was referred so much of the Governor's message as relates to the bonds of defaulting taxcollectors, transferred to this state by the state of Mississippi, asked that the committee be discharged from the further consideration thereof, as they have learned from the Attorney General and the Comptroller that it is unnecessary to legislate on the subject, which was agreed to.

Mr Abercrombie presented the memorial of Henry Lucas, Th. Brown, and W. B. Lucas, praying authority to construct a turnpike road from Line Creek in Montgomery county to the Chatahoochie river, and to be authorized to charge toll on the same, which was read and referred to a special committee consisting of messrs Abercrombie, Irwin, and Vining.

A bill to be entitled an act explanatory of the law on the subject of solicitors' fees in chancery, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to repeal in part and amend an act entitled an act to establish and improve a certain road therein mentioned, approved January 13th, 1829, was read the second time and ordered to a third reading to-morrow.

Joint resolution to authorize the building committee to procure the ne-

necessary furniture for the Executive rooms in the State Capitol, was read the second time. Mr Perry moved to amend the resolution by striking out the words "to be paid out of any money in the Treasury not otherwise appropriated," and by inserting in lieu thereof the words "to be paid out of the Seat of Government Fund," which was lost. Yeas 6—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are Messrs Crawford, Evans, Perry, Pickett, Walthall and Watkins.

Those who voted in the negative are Mr President, Abercrombie, Anderson, Edmondson, Garth, Hogan, Hubbard, McVay, Merriwether, Moore, Vining, and Wood.

Mr Vining moved that the rule requiring joint resolutions to be read on three several days be dispensed with and that the resolution be read the third time forthwith, which was lost. *Ordered*, that the resolution be laid on the table.

The Senate took up and resumed the consideration of the report of the committee of privileges and elections in the case of the contested election between James Jackson and Hugh McVay for a seat in the Senate from the county of Lauderdale, the question being on Mr Moore's motion to strike out all the following resolution after the word *Resolved*: *Resolved*, that James Jackson is entitled to the seat in this House as Senator from the county of Lauderdale which is now occupied by Hugh McVay, and that Hugh McVay is not entitled to the same, and the question being put on striking out, it was determined in the negative. Yeas 9.—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are Messrs Crawford, Edmondson, Evans, Hogan, Irwin, Moore, Pickett, Smith, and Wood.

Those who voted in the negative are Mr President, Abercrombie, Anderson, Conner, Garth, Hubbard, Merriwether, Morton, Perry, Vining, Walthall, Watkins.

So the motion to strike out was lost.

Mr Moore moved that the report of the committee of privileges and elections together with the resolution thereto appended be laid on the table, which was carried. Yeas 11—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Messrs Conner, Crawford, Edmondson, Evans, Garth, Irwin, Moore, Perry, Pickett, Smith, and Wood.

Those who voted in the negative are Mr President, Abercrombie, Anderson, Hogan, Hubbard, Merriwether, Morton, Vining, Walthall, and Watkins.

Mr Pickett offered the following preamble and resolution: whereas it is naturally to be presumed that Majr. Hugh McVay, whose right to a seat in the Senate is contested by James Jackson, Esq. did rely on the statute of 1827, which at least admits of the construction that personal notice was essential: *Be it therefore Resolved*, that Majr. Hugh McVay be permitted to take testimony to prove illegal votes in favor of James Jackson, Esq. on giving said Jackson personal notice as to the time and place he intends to take such testimony, *Provided*, that this privilege be extended on the express condition that said McVay admits the legality of the services under which said Jackson took testimony to establish illegal votes in favor of Hugh McVay, and provided James Jackson have permission to take testimony in support of his right to a seat in the Senate. Mr Hogan moved that the resolution lie on the table till to-morrow, which was carried.

And then the Senate adjourned till to-morrow morning at ten o'clock.

Saturday, Dec. 5th, 1829.—The Senate met pursuant to adjournment.

Mr Hogan presented the memorial of Dugald McFarlane, praying remuneration for losses sustained while state printer, which was read and referred to the committee on public printing.

Mr Hogan introduced a joint resolution instructing our Senators and re-

questing our Representatives in Congress, to ask the consent of Congress to lay a tonnage duty, for the term of five years, for the support of a harbor master for the port of Mobile, which was read and ordered to a second reading on Monday next.

Mr Hogan also introduced a joint resolution instructing our Senators and requesting our Representatives in Congress, to use their exertions to procure the passage of a law to authorize this state to appropriate the proceeds of the 400,000 acres of land, granted to the state of Alabama, for the purpose of making a canal around the Muscle Shoals, to the making a canal connecting the waters of the Tennessee with the Coosa river, or to any other object of internal improvement, which was read and ordered to a second reading on Monday next.

Mr Irwin introduced a bill to be entitled an act to change the mode of paying jurors in certain counties therein named, which was read and ordered to a second reading on Monday next.

Mr Vining introduced a bill to be entitled an act to fix the time of convening the General Assembly of the state of Alabama, which was read and ordered to a second reading on Monday next.

The Senate took up, for consideration, the following resolution offered yesterday by Mr Pickett:—Whereas it is naturally to be presumed, that Major Hugh McVay, whose right to a seat in the Senate is contested by James Jackson, Esqr. did rely on the statute of 1827, which at least admits of the construction that personal notice was essential: *Be it therefore Resolved*, that Major Hugh McVay be permitted to take testimony to prove illegal votes in favor of James Jackson, Esqr. on giving said Jackson personal notice as to the time and place he intends to take such testimony: *Provided*, that this privilege be extended on the express condition that said McVay admits the legality of the service under which said Jackson took testimony to establish illegal votes in favor of Hugh McVay: and *provided* James Jackson have permission to take testimony in support of his right to a seat in the Senate. Mr Perry offered the following amendment to the resolution: and *provided*, that the time herein allowed shall not extend beyond Tuesday next. Mr Moore moved to amend the proposed amendment by striking out "Tuesday next," and inserting "the 24th day of this month." A division of the question being called for, the vote was taken on striking out "Tuesday next," and lost. Yeas 10—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are Messrs Conner, Crawford, Edmondson, Evans, Garth, Irwin, Moore, Pickett, Smith, and Wood.

Those who voted in the negative are Mr President, Abercrombie, Anderson, Hogan, Hubbard, Merriwether, Morton, Perry, Vining, Walthall, and Watkins.

The question was then put on the adoption of the amendment, offered by Mr Perry to the resolution and decided in the negative. Yeas 5—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are messrs Conner, Hubbard, Merriwether, Perry, and Vining.

Those who voted in the negative are Mr President, Abercrombie, Anderson, Crawford, Edmondson, Evans, Garth, Hogan, Irwin, Moore, Morton, Pickett, Smith, Walthall, Watkins, and Wood.

Mr Pickett moved to amend the resolution by striking out all after the word "*Resolved*," and inserting the following: that Major Hugh McVay be permitted to take testimony to prove illegal votes given in favor of James Jackson, on giving said Jackson notice agreeably to the act of 1827: *Provided*, that this privilege be given the said McVay, on the express condition, that said McVay admits the legality of the service of the notice under which said James Jackson took depositions to establish illegal votes said to have been

given in favor of Hugh McVay, and provided that James Jackson have permission, upon the same terms, and under the same privileges, and powers, to take testimony in support of his right to a seat in the Senate, which was carried. Yeas 11—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are messrs Conner, Crawford, Edmondson, Evans, Garth, Hogan, Irwin, Moore, Pickett, Smith, and Wood.

Those who voted in the negative are mr President, Abercrombie, Anderson, Hubbard, Merriwether, Morton, Perry, Vining, Walthall, and Watkins.

The question was then put on the adoption of the resolution, as amended, and determined in the negative. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are messrs Conner, Crawford, Edmondson, Evans, Garth, Irwin, Moore, Pickett, Smith, and Wood.

Those who voted in the negative are mr President, Abercrombie, Anderson, Hogan, Hubbard, Merriwether, Morton, Perry, Vining, Walthall, and Watkins. So the resolution was rejected.

Mr Hubbard moved that the report of the committee of privileges and elections, in the case of the contested election, between James Jackson and Hugh McVay for a seat in the Senate from the county of Lauderdale be now taken up, which was carried. Yeas 20—Nays 1.

The yeas and nays being desired, those who voted in the affirmative are mr President, Abercrombie, Anderson, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, Merriwether, Morton, Perry, Pickett, Smith, Vining, Walthall, Watkins, and Wood.

Mr Moore voted in the negative.

The question was then put on concurring in the report of the committee, and on the adoption of the following resolution reported by them. *Resolved*, that James Jackson is entitled to the seat in this House, as Senator from the county of Lauderdale, which is now occupied by Hugh McVay, and that Hugh McVay is not entitled to the same, and decided in the affirmative. Yeas 12—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are mr President, Abercrombie, Anderson, Conner, Garth, Hubbard, Merriwether, Morton, Perry, Vining, Walthall, and Watkins.

Those who voted in the negative are messrs Crawford, Edmondson, Evans, Hogan, Irwin, Moore, Pickett, Smith, and Wood.

Mr James Jackson then appeared, was qualified, and took his seat as Senator from the county of Lauderdale.

On motion of Mr Walthall, *ordered* that Mr Merriwether have leave of absence till Tuesday morning.

A message from the House of Representatives by Mr Tunstall. Mr. President :—The House of Representatives have read three several times and passed a bill and joint resolution which originated in their House, entitled an act making appropriation for the payment of certain claims against the state of Alabama; Joint resolution asking the establishment of a Land Office in Bellefont; Joint resolution of the State of Alabama, asking the consent of Congress to a law passed by the Legislature of this State, imposing a duty of three cents per ton on ships or vessels entering the port of Mobile. In all of which they ask the concurrence of the Senate.

A bill from the House of Representatives, entitled, an act making appropriation for the payment of certain claims against the State of Alabama, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time. And then the Senate adjourned till Monday morning at 10 o'clock.

Monday, 7th December, 1829.

The Senate met pursuant to adjournment.

Mr Vining presented the petition of sundry inhabitants of township two in range one, east, in the county of Madison, relating to the sale of the sixteenth section in said township; which was read and referred to a special committee, consisting of Messrs Vining, Edmondson and Jackson.

The Senate resumed the consideration of the bill from the House of Representatives, entitled, an act making appropriation for the payment of certain claims against the State of Alabama. *Ordered*, that the bill be referred to the committee on the judiciary.

Joint resolution asking the establishment of a Land Office at Bellefont, was read the first time and ordered to a second reading to morrow.

Joint resolution of the Legislature of the State of Alabama, asking the consent of Congress to a law passed by the Legislature of this State, imposing a duty of three cents per ton on ships or vessels entering the port of Mobile, was read the first time. On motion of Mr Hogan, *ordered*, that the resolution lie on the table till Monday next.

A bill to be entitled an act to establish the college of La Grange, was read the second time and referred to a special committee, consisting of Messrs Jackson, Morton and Crawford, to examine and report thereon.

An engrossed bill to be entitled an act to authorize notaries public of the several counties of this State, to take acknowledgements or proof of deeds, and relinquishments of dower, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to prescribe the duties of sheriffs, and for other purposes, was read the third time, and the question being put "shall the bill pass?" it was decided in the negative.

Mr Hubbard, who voted in the majority, moved to reconsider the vote of the Senate on referring the bill entitled an act making appropriation for the payment of certain claims against the state of Alabama to the judiciary committee, which was carried. *Ordered*, that the bill lie on the table.

Mr Perry called up the bill to be entitled an act to secure to femes covert their estates. Mr Hubbard offered the following amendment to the bill: *Provided* nevertheless that all such estates of every description shall be liable to such debts as shall be contracted by the wife, during, or before coverture, for all such property as shall be purchased by the husband during coverture and which shall be used by the wife or family, during said coverture. Mr Jackson moved to amend the proposed amendment, by striking out all after the words, "such debts as shall," and by inserting the words, "have been contracted by the wife before coverture," which was carried. *Ordered*, that the bill, together with the proposed amendment, be committed to a special committee—whereupon messrs Jackson, Moore, and Perry were appointed the committee.

And then the Senate adjourned till to-morrow morning ten o'clock.

Tuesday, Dec. 8th, 1829.

The Senate met pursuant to adjournment.

Mr Abercrombie presented the petition of Haynes Crabtree, praying authority to emancipate certain slaves therein named, which was read and referred to a special committee, consisting of messrs Abercrombie, Conner, and Irwin.

Mr Hubbard presented the memorial of Green K. Hubbard, one of the commissioners elected to class and value the 400,000 acres of land granted to this State for the improvement of the navigation of the Tennessee and other rivers, explaining the acts and proceedings of the company of com-

missioners to which he belonged, and responsive to the charges made against the commissioners; which was read. Mr Jackson moved that the memorial lie on the table, and that fifty copies thereof be printed for the use of the Senate, which was carried. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are *Mr President, Anderson, Conner, Edmondson, Evans, Garth, Hogan, Irwin, Jackson Moore and Morton.*

Those who voted in the negative are *Messrs Abercrombie, Crawford, Perry, Pickett, Smith, Vining, Walthall, Watkins and Wood.*

Mr Walthall, from the committee on inland navigation, to which jointly with the committee on inland navigation on the part of the House of Representatives, were referred so much of the Governor's message as relates to the best mode of applying the funds arising from the sale of the lands granted to this state by Congress, for the purpose of improving certain rivers within the same, reported a bill to be entitled, an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes; which was read and ordered to a second reading to-morrow.

Mr Crawford, from the committee on schools and colleges, and school and college lands, to which was referred a resolution instructing them to inquire into the expediency of reducing the price of the unsold University land in the district of Tuscumbia, reported a bill to be entitled an act to authorize the trustees of the state of Alabama to reduce the price of the unsold university lands in this state, which was read and ordered to a second reading to-morrow.

Mr Hogan, from the committee on the Bank of the State to which was referred so much of the Governor's message as relates to the establishment of a Branch Bank, reported a bill to be entitled, an act to establish an office of discount and deposit of the Bank of the State of Alabama at ; which was read and ordered to a second reading to-morrow.

Mr Walthall, from the joint committee appointed by the two Houses to inquire of the propriety of re-adopting and urging upon the consideration of the Congress of the United States, the important matters embraced in the memorial of the Legislature of this State at the last session, concerning the public lands and rights of preemption in favor of actual settlers and relinquishers, and to inquire whether said memorial ought to embrace any additional matter, and if so to report a suitable memorial for the purpose—reported a memorial to the Congress of the United States, asking relief for the purchasers of public lands, and for other purposes; which was read and ordered to a second reading to-morrow.

Mr Abercrombie, from the special committee to which was referred the memorial of Henry Lucas, Thomas Brown and W. B. Lucas, reported a bill to be entitled, an act to authorize them to turnpike a certain road therein named; which was read and ordered to a second reading to-morrow.

Mr Pickett, from the special committee to which was referred the joint resolution instructing our Senators and requesting our Representatives in Congress to oppose all measures to renew the charter of the Bank of the United States—reported the same without amendment. The resolution was then read the third time. Mr Smith moved to amend the resolution by adding the words “unless it should be established with United States capital only,” which was lost. Yea 1—Nays 20.

The yeas and nays being desired, Mr Smith voted in the affirmative.

Those who voted in the negative are, *Mr President, Abercrombie, Anderson, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, Jackson, Moore, Morton, Perry, Pickett, Vining, Walthall, Watkins and Wood.*

Mr Pickett moved that the resolution be recommitted to a special committee, which was lost.

The question was then put, "shall the resolution pass?" and determined in the affirmative. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Conner, Crawford, Edmondson, Evans, Hogan, Hubbard, Irwin, Moore, Perry, Vining, Walthall and Wood.

Those who voted in the negative are, Messrs Anderson, Garth, Jackson, Morton, Pickett, Smith and Watkins.

Ordered, That the title of the resolution be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Anderson offered the following resolution: *Resolved*, That the Senate, with the concurrence of the House of Representatives, will assemble in the Representative Hall on to-morrow, at 11 o'clock, A. M. for the purpose of going into the election of a Treasurer and Comptroller for the State of Alabama for the next ensuing twelve months. Mr Hogan moved to amend the resolution by striking therefrom the word "Treasurer." Mr Smith moved that the resolution lie on the table; which was lost. Yeas 9—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are Messrs Crawford, Evans, Hogan, Irwin, Moore, Pickett, Smith, Vining and Walthall.

Those who voted in the negative are, Mr President, Abercrombie, Anderson, Conner, Edmondson, Garth, Hubbard, Jackson, Morton, Perry, Watkins and Wood.

The question was then put on Mr Hogan's motion to strike out the word "Treasurer," and lost. *Ordered*, That the resolution lie on the table.

Mr Perry introduced a bill to be entitled, an act for the relief of James A. Thompson, tax collector of Dallas county, which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time, and laid on the table.

A message from the House of Representatives by Mr Tunstall. Mr President: The House of Representatives have adopted the following resolution, in which they desire your concurrence: *Resolved*, with the concurrence of the Senate, the two Houses will convene in the Hall of the House of Representatives, at the hour of 2 o'clock on to-morrow, for the purpose of electing a Comptroller of Public accounts and Treasurer of this State. Mr Hogan moved to strike from the resolution the words "at the hour of 2 o'clock on to-morrow," and to insert in lieu thereof, the words "on Friday next, at 3 o'clock;" which was lost. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Crawford, Evans, Hogan, Irwin, Moore, Pickett, Smith, Vining, Walthall.

Those who voted in the negative are, Messrs Abercrombie, Anderson, Conner, Edmondson, Garth, Hubbard, Jackson, Morton, Perry, Watkins and Wood.

Mr Hogan then moved that the Senate adjourn till to-morrow morning at 10 o'clock; which was lost. Yeas 6—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Crawford, Evans, Hogan, Irwin, Moore and Smith.

Those who voted in the negative are, Mr President, Abercrombie, Anderson, Conner, Edmondson, Garth, Hubbard, Jackson, Morton, Perry, Pickett, Vining, Walthall, Watkins and Wood.

Mr Abercrombie moved that the Senate concur in the resolution from the House proposing to go into the election of a Comptroller and State Treasurer, on to-morrow at two o'clock; which was carried. Yeas 12—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Anderson, Conner, Edmondson, Garth, Hubbard, Jackson, Morton, Perry, Watkins and Wood.

Those who voted in the negative are, Messrs Crawford, Evans, Hogan, Irwin, Moore, Pickett, Smith, Vining and Walthall.

So the resolution was concurred in. *Ordered*, That the Secretary acquaint the House of Representatives therewith.

Mr Crawford offered the following resolution: *Resolved*, That the standing committee of the Senate heretofore known as the committee of schools and colleges and school and college lands, be hereafter called and known by the name of the committee on *Education*; which was adopted.

Mr Hogan introduced a bill to be entitled an act to repeal an act concerning roads, highways, bridges and ferries, in the county of Mobile, approved December the 24th, 1824; which was read and ordered to a second reading to-morrow.

Mr Abercrombie called up the bill to be entitled an act making appropriation for the payment of certain claims against the State of Alabama. Mr Anderson moved to strike from the 3d section of the bill the words "five hundred dollars;" the amount appropriated to Henry Minor for seventy five copies of the reports of the decisions of the supreme court of this state; which was carried.

Mr Hogan moved to fill the blank thus created, with "three hundred and fifty dollars;" which was carried. Yeas 11—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Anderson, Hogan, Irwin, Moore, Morton, Perry, Smith, Vining and Watkins.

Those who voted in the negative are Messrs Conner, Crawford, Edmondson, Evans, Garth, Hubbard, Jackson, Pickett, Walthall and Wood.

The bill was then read the third time as amended, and the question being put "shall the bill pass?" it was decided in the affirmative. Yeas 17—Nays 4.

The yeas and nays being desired those who voted in the affirmative are Mr President Abercrombie Anderson Conner Crawford Edmondson Garth Hogan Irwin Jackson Moore Morton Perry Smith Vining Walthall and Watkins.

Those who voted in the negative are Messrs Evans Hubbard Pickett and Wood.

So the bill was passed. *Ordered*, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Tunstall. Mr President:—The House of Representatives have read three several times and passed bills which originated in their House, entitled an act to authorize John A. Chapman, Simeon Chapman, Daniel Welch, and their associates, to turnpike a certain road therein named: an act concerning the dismissal of suits at common law; and an act to increase the pay, and the more effectually to provide for the payment of the jurors of the county of Montgomery, and for other purposes—in all of which they desire your concurrence. They have adopted the following resolution in which they desire your concurrence. *Resolved*, that the joint committee elected to examine into the situation and management of the State Bank, the Senate concurring therein, be required to ascertain and report to the two Houses of the General Assembly, with as little delay as practicable, what amount of bills of exchange have been discounted, and what amount of damage has been received upon bills of exchange which have not been punctually paid, during each year since the establishment of the Bank.

Mr Morton moved that the Senate adjourn till to-morrow morning at ten o'clock; which was carried. Yeas 16—Nays 5.

The yeas and nays being desired those who voted in the affirmative are Mr President Abercrombie Crawford Edmondson Garth Hogan Hubbard Irwin Jackson Moore Morton Perry Smith Walthall Watkins and Wood.

Those who voted in the negative are Messrs Anderson Conner Evans Pickett and Vining.

The Senate accordingly adjourned till to-morrow morning at 10 o'clock.

Wednesday, 9th Dec. 1829.—The Senate met pursuant to adjournment:

Mr Wood, from the military committee, submitted the following report: The military committee to whom was referred the annual report of the Quarter Master General of this State, beg leave to report, that they have had the same under consideration, and have made personal inspection of the arms in charge of that officer, and it affords the committee much pleasure in testifying to the good order in which they are kept, and that on counting the arms they find the report correct, and beg leave to be discharged from the further consideration of the same; which was agreed to.

Mr Vining, from the special committee to whom was referred a petition of the inhabitants of township two, range one, east, in the county of Madison, reported a bill to be entitled an act to authorize the inhabitants of township two, range one east, in Madison county to hold an election for the purpose of ascertaining the wishes of said inhabitants in regard to selling the 16th section therein, which was read and ordered to a second reading to-morrow.

Mr Perry called up the bill to be entitled an act for the relief of James A. Thompson, tax collector of Dallas county. The bill was then read the third time and passed. *Ordered*, that the title be as aforesaid, and that the bill be sent to the House of Representatives for their concurrence.

Mr Jackson called up the joint resolution to authorize the building committee to procure the necessary furniture for the executive rooms in the state capitol. Mr Perry offered the following amendment to the resolution, "Provided the amount so to be expended shall not exceed the sum of dollars"—which was adopted. The resolution was then read the third time as amended. Mr Morton moved to fill the blank in the resolution with "one thousand dollars." Mr Wood moved that the resolution lie on the table till to-morrow, which was carried. Yeas 12—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Anderson, Conner, Evans, Garth, Jackson, Perry, Pickett, Walthall, Watkins and Wood.

Those who voted in the negative are, Messrs Crawford, Edmondson, Hogan, Hubbard, Irwin, Moore, Morton, Smith and Vining.

A message from the House of Representatives by Mr Van Dyke. Mr President:—The House of Representatives have read three several times and passed, a bill which originated in the House of Representatives, entitled, an act to make it the duty of the State Treasurer to discharge the duties of President of the State Bank, in which they desire the concurrence of the Senate.

A bill from the House of Representatives entitled, an act to make it the duty of the State Treasurer to discharge the duties of President of the State Bank, was read the first time. Mr Walthall moved that the further consideration of the bill be postponed till the third day of July next; which was carried. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Anderson, Conner, Edmondson, Garth Hogan, Hubbard, Irwin, Jackson, Morton, Perry, Vining, Walthall and Wood.

Those who voted in the negative are, Mr President, Crawford, Evans, Moore, Pickett, Smith and Watkins.

On motion of Mr Hogan, *ordered*, that the resolution from the House of Representatives proposing that the joint committee elected to examine into the situation and management of the State Bank, be required to ascertain and report to the two Houses, what amount of bills of exchange have been discounted, and what amount of damage has been received upon bills of exchange, which have not been punctually paid, lie on the table.

Mr Pickett called up the bill to be entitled an act more effectually to secure trials in capital cases by impartial jurors. The amendments proposed to the bill by the judiciary committee, were severally concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading on to-morrow.

Bills from the House of Representatives, entitled an act concerning the dismissal of suits at common law; an act to authorize John A. Chapman, Simon Chapman, Daniel Welch, and their associates, to turnpike a road therein named; an act to increase the pay, and the more effectually to provide for the payment of the jurors for the county of Montgomery, and for other purposes were severally read the first time and ordered to a second reading to-morrow.

Mr Hubbard introduced for ratification, joint resolutions, proposing amendments to the constitution of the state of Alabama, so as to limit the tenure of the judge's office to six years, which were passed at the last session, which resolutions were read and ordered to a second reading to-morrow.

Mr Walthall introduced a bill to be entitled an act to amend an act entitled an act to incorporate Valley Creek Academy in the county of Dallas, which was read and ordered to a second reading to-morrow.

Mr Hogan introduced a bill to be entitled an act to amend the act for the government of the port and harbor of Mobile, passed December 23d, 1822, which was read and ordered to a second reading to-morrow.

An engrossed bill to be entitled an act explanatory of the laws on the subject of solicitors' fees, in suits in chancery, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill from the House of Representatives entitled an act to repeal in part and amend an act entitled an act to establish and improve a certain road therein mentioned, approved January 13th, 1829, was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Joint resolution asking the establishment of a land office in the town of Bellefonte, was read the second time, and referred to a special committee consisting of messrs Moore, Perry, and Garth.

Ordered, that the bill entitled an act to provide for the election of judges of the supreme court, lie on the table till to-morrow.

A bill to be entitled an act to change the mode of paying jurors in certain counties therein named, was read the second time and referred to a special committee, consisting of messrs Hogan, Irwin, and Abercrombie.

A bill to be entitled an act to fix the time for convening the General Assembly of the state of Alabama, was read the second time. Mr Morton moved to strike from the bill the words, "the first Monday of November," which was carried. Mr Walthall moved that the bill lie on the table till the first day of June next, which was lost. Yeas 4--Nays 17.

The yeas and nays being desired, those who voted in the affirmative are messrs Garth, Moore, Perry, and Walthall.

Those who voted in the negative are Mr President, Abercrombie, Anderson, Conner, Crawford, Edmondson, Evans, Hogan, Hubbard, Irwin, Jackson, Morton, Pickett, Smith, Vining, Watkins and Wood.

Mr Pickett moved to fill the blank in the bill with the "first Monday in January," as the time for the meeting of the General Assembly, which was lost. Mr Hubbard moved to fill the blank with the "second Monday of November," which was lost. Mr Morton moved to reconsider the vote of the Senate on his motion to strike out the "first Monday in November," which was

carried. *Ordered*, that the bill be engrossed, and made the order of the day for a third reading to-morrow.

A bill to be entitled an act to extend the time for the final settlement of the accounts of the tax collector of Morgan county, was read the second time and ordered to be engrossed for a third reading to-morrow.

Joint resolutions instructing our Senators, and requesting our Representatives in Congress, to ask the consent of Congress to lay a tonnage duty for the term of five years, for the support of a harbor master for the port of Mobile, were read the second time and ordered to be engrossed for a third reading to-morrow. And then the Senate adjourned till half past one o'clock this evening.

Evening Session.—A message from the House of Representatives by Mr Tunstall. Mr President: The House of Representatives have adopted the following resolution, in which they desire your concurrence: *Resolved*, that the Senate be informed that this House is now ready to proceed to the election of a Treasurer and a Comptroller, and that they be invited to attend. Whereupon the members of the Senate repaired to the Hall of the House of Representatives, and having taken their seats, Mr President arose and announced the object of the meeting; when the two Houses proceeded to elect a Comptroller of public accounts, George W. Crabb and Samuel Pickens, Esq. being in nomination. For Mr Crabb 49, Mr Pickens 42 votes.

Those who voted for Mr Crabb are, Mr President, Abercrombie, Anderson, Conner, Edmondson, Garth, Hubbard, Jackson, Morton, Perry and Wood. Reps. Messrs Baker, Banks, Bates, Bibb, Brodnax, Coleman, Cook, Craig, Darrett, Fearn, Fitts, Flournoy, Forrest, Hays, Hester, Horton, Jackson, Lane, Ligon, Mardis, Massey, Mead, Metcalfe, Mobley, Morrisett, Murphree, Oliver, Penn, Perkins, Philpott, Pope, Rather, Robinson, Ross, Roysdon, Ship, Smith and Taylor.

Those who voted for Mr Pickens are, Messrs Crawford, Evans, Hogan, Irwin, Moore, Pickett, Smith, Vining, Walthall and Watkins. Reps. Mr Speaker, Acklen, Barclay, Bradford, Brown, Byrnes, Clark, Cole, Conner, Curtis, Dale, Dennis, Ellis, Goldthwaite, Greene, Grigsby, Hodges, Hudson, Jones, King, Lawler, Mims, Moore, Parsons, Richardson, Roulston, Russell, Van Dyke, Ward, Weissinger, Williams and Young.

George W. Crabb, having recieved a majority of votes, was declared by Mr Speaker to be duly elected Comptroller of public accounts.

The two Houses then proceeded to the election of a State Treasurer, William G. Parish and Hardin Perkins, Esquires, being in nomination. For mr Parish 36—mr Perkins 55 votes.

Those who voted for mr Parish are messrs Conner, Crawford, Evans, Hogan, Hubbard, Irwin, Moore, Perry, Pickett, Smith, Vining. Reps. Mr Speaker, Barclay, Byrnes, Clark, Conner, Coopwood, Dennis, Ellis, Goldthwaite, Grigsby, Hodges, Hudson, King, Lane, Lawler, Massey, Moore, Rather, Richardson, Roulston, Russell, Smith, Van Dyke, Ward, and Williams.

Those who voted for mr Perkins are Mr President, Abercrombie, Anderson, Edmondson, Garth, Jackson, Morton, Walthall, Watkins, Wood. Reps. Messrs Acklen, Baker, Banks, Bates, Bibb, Bradford, Brodnax, Brown, Cole, Coleman, Cook, Craig, Curtis, Dale, Darrett, Fearn, Fitts, Flotnoy, Forrest, Greene, Hays, Hester, Horton, Jackson, Jones, Ligon, Mardis, Mead, Matcalfe, Mims, Mobley, Morrisett, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Robinson, Ross, Roysdon, Ship, Taylor, Weissinger and Young.

Hardin Perkins having received a majority of votes was declared by Mr. Speaker to be duly elected Treasurer of the State of Alabama. The elections being completed the Senate withdrew, returned to their own chamber, and Mr President resumed the chair. And then the Senate adjourned till to-morrow morning at ten o'clock.

Thursday, 10th December, 1829.

The Senate met pursuant to adjournment.

Mr President laid before the Senate the following communication from George W. Crabb.

Tusculooosa, Dec. 10th, 1829.

Hon. Levin Powell, President of the Senate.

DEAR SIR.—For a known reason it becomes my duty to return, through you, to the source from whence it was derived, the office of assistant secretary of the Senate; and in so doing permit me to assure yourself and the honorable body over which you preside, of the deep and heartfelt gratitude with which I remember the past favors I have received, and of my sincere wishes for your and their personal and political prosperity and happiness. I am, with great regard, your friend and obedient servant.

GEORGE W. CRABB.

Ordered, That the communication lie on the table.

On motion of Mr Perry the Senate proceeded to the election of an assistant secretary to supply the vacancy occasioned by the resignation of George W. Crabb; and the election being conducted in the manner prescribed by the constitution, it appeared that George W. Gayle was duly elected. Mr Gayle accordingly entered upon the discharge of the duties of his appointment.

A message from the House of Representatives by Mr Tunstall. Mr President: The House of Representatives have adopted memorials of the following titles, in which they desire your concurrence: A joint memorial to the Congress of the United States, praying a postponement of the sales of the public lands in the county of Jackson, and a joint memorial asking a donation of land to connect by a canal the waters of the Tennessee and Coosa rivers.

The memorials mentioned in the foregoing message were severally read the first time in the Senate, and ordered to a second reading to-morrow.

Mr Pickett introduced a bill to be entitled an act to repeal in part an act entitled an act regulating judicial proceedings in certain cases, passed 18th December 1811, and for other purposes, which was read and ordered to a second reading to-morrow.

Mr Anderson introduced a bill to be entitled an act to provide for the filling of vacancies in either branch of the General Assembly, which was read. Mr Anderson moved that the rule requiring bills to be read on three several days be dispensed with, and that the bill be read the second time forthwith; which was carried. Yeas 18—nays 4.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Anderson, Conner, Edmondson, Garth, Hubbard, Irwin, Jackson, Merriwether, Moore, Morton, Perry, Pickett, Smith, Walthall, Watkins and Wood.

Those who voted in the negative are Messrs Crawford, Evans, Hogan and Vining.

The bill was then read the second time. Mr Wood moved that the bill lie on the table till the first day of April next, which was lost. Yeas 7—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Edmondson, Evans, Hogan, Merriwether, Perry, Pickett and Wood.

Those who voted in the negative are, Mr President, Abercrombie, Anderson, Conner, Crawford, Garth, Hubbard, Irwin, Jackson, Moore, Morton, Smith, Vining, Walthall and Watkins.

Mr Hogan moved that the bill be referred to the committee on the judiciary; which was lost. Yeas 3—Nays 19.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Evans, Hogan and Wood.

Those who voted in the negative are, Mr President, Abercrombie, Anderson, Conner, Crawford, Edmondson, Garth, Hubbard, Irwin, Jackson, Merriwether, Moore, Morton, Perry, Pickett, Smith, Vining, Walball and Watkins.

Mr Jackson moved to strike out "thirty," and insert "sixty," where the bill reads thus: That hereafter when any vacancy shall occur in either branch of the General Assembly, by death, resignation, or otherwise, within thirty days before the regular meeting of the same, or during its session, the Governor shall issue a writ of election, &c. which motion was carried. Yeas 16—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Anderson, Conner, Crawford, Edmondson, Garth, Hogan, Irwin, Jackson, Merriwether, Moore, Morton, Pickett, Walball and Watkins.

Those who voted in the negative are, Messrs Hubbard, Perry, Smith, Vining and Wood.

Mr Moore moved to amend the bill so as to require at least ten days notice to be given of the time of holding any such election; which was carried.

Mr Hubbard moved that the rule requiring bills to be read on three several days be further dispensed with, and that the bill be read the third time forthwith which was lost, a majority of four fifths being necessary.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Anderson, Conner, Edmondson, Garth, Hubbard, Irwin, Jackson, Moore, Morton, Perry, Pickett, Smith, Walball and Watkins.

Those who voted in the negative are, Messrs Crawford, Evans, Hogan, Merriwether, Vining and Wood.

Ordered, That the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Anderson called up the joint resolution which originated in the House of Representatives, entitled joint resolution of the Legislature of the State of Alabama asking the consent of Congress to a law passed by the Legislature of this State imposing a duty of three cents per ton, on ships or vessels entering the port of Mobile: *Ordered*, that the resolution, together with the one which was introduced in the Senate, on same the subject be committed to a special committee, whereupon messrs Perry, Hogan, and Anderson were appointed the committee.

The following communication was received from the Governor by mr Thornton.

EXECUTIVE DEPARTMENT, Dec. 9, 1829.

Gentlemen of the Senate and of the House of Representatives—The law authorizing the Executive to issue writs of election to fill vacancies which may occur in your honorable body, by death, resignation, or otherwise during the session of the General Assembly, being susceptible of doubt as to the time of notice required to be given under such circumstances. I respectfully recommend to your honorable body the propriety of an enactment providing for emergencies of this character. I need not disguise the fact that the late election of a member of the House of Representatives to fill the office of Treasurer of the State, whereby the county of Tuscaloosa is rendered liable to be deprived of the services of one of its Representatives for some time in the present session at least, provided one months notice of the time of holding an election to fill the vacancy, as is required by law in relation to the general elections, shall be deemed necessary in this case, is the immediate cause of this communication. I have the honor to be, most respectfully, your obedient servant. GABRIEL MOORE.

Ordered, That the communication lie on the table.

Joint resolution instructing our Senators and requesting our Representatives in Congress to use their exertions to procure the passage of a law to authorize this State to appropriate the proceeds of the 400,000 acres of land

Engrossed bill entitled an act regulating the time of making payments upon lands sold at the Land Office in Courtland, was read a second, time and on motion of Mr Coopwood, was referred to a special committee consisting of messrs Coopwood Morton and Chapman.

The Senate then adjourned until to-morrow ten o'clock.

Friday, December 14th, 1832.—The Senate met pursuant to adjournment.

Mr Anderson presented the account of Mark Meeks, which was referred to the committee on accounts and claims.

Mr Anderson from the judiciary committee to which was referred a bill entitled an act to authorise Aurelius N. Jones as guardian of John A. R. Jones to remove the property of his said ward to Lowndes county in the State of Mississippi, reported that it was inexpedient to pass such a law; which was concurred in.

Mr Anderson from the same committee to which was referred the bill entitled an act to authorise the election of a justice of the peace and constable in the town of Centreville in Bibb county, and to amend an act to incorporate the town of Centreville in the county of Bibb, reported the same without amendment, which was read, the third time and passed the Senate.

Mr Anderson from the same committee to which was referred the bill entitled an act for the relief of John B. Martindale, reported the same without amendment, which was, on motion of Mr Anderson, laid on the table.

Mr Pickett from the committee on propositions and grievances to which was referred the petition of George Armstead, asked leave to be discharged from the further consideration of the subject, in as much as his case is embraced in the general law on the subject of slaves; which was granted.

Mr Chapman from the select committee to which was referred the bill in relation to the Tennessee canal commissioners and the Receiver of the Land Office at Courtland, reported the same without amendment. Mr Coopwood moved to lay the bill on the table until to-morrow; which was carried.

Mr Chapman from the same committee to which was referred the memorial to the Congress of the United States in relation to the Tennessee canal, reported the same without amendment, which was, on motion of Mr Chapman, laid on the table until to-morrow.

Message from the House of Representatives by Mr Norwood: Mr President: The House of Representatives have passed the following bills which originated in the Senate: an act to repeal in part and amend an act to revise, consolidate and amend the several acts in relation to justices of the peace and constables, passed December 7th, 1821. The House of Representatives have passed the following bills: an act to regulate the charges of commission merchants, agents and factors in the city of Mobile in this State, in which they desire the concurrence of the Senate.

Engrossed bill entitled an act to regulate the charges of commission merchants, agents and factors in the city of Mobile, was read and ordered to a second reading on to-morrow.

Engrossed joint resolutions authorising the Secretary of State to subscribe for thirty four copies of a map of the State of Alabama about to be published by John Latourette, was read and ordered to a second reading on to-morrow.

Mr Erwin of G. from the judiciary committee to which was referred the bill entitled an act to incorporate the Bell Factory of the county of Madison, reported the same with the following amendments: strike out the

Mr Morton then moved to fill the blank with nine hundred dollars, which was lost. Yeas 9—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Edmondson, Garth, Hogan, Hubbard, Jackson, Morton, Smith and Vining.

Those who voted in the negative are Messrs Abercrombie, Anderson, Crawford, Evans, Irwin, Merriwether, Moore, Perry, Pickett, Walthall and Watkins.

Mr Morton then moved to fill the blank with seven hundred and fifty, which was lost. Yeas 10—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Edmondson, Garth, Hogan, Hubbard, Jackson, Moore, Morton, Smith Vining.

Those who voted in the negative are Messrs Abercrombie, Anderson, Crawford, Evans, Irwin, Merriwether, Perry, Pickett, Walthall and Watkins.

Mr Hogan moved to fill the blank with seven hundred, which was lost. Yeas 10—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Edmondson, Garth, Hogan, Hubbard, Jackson, Moore, Morton, Smith and Vining.

Those who voted in the negative are Messrs Abercrombie, Anderson, Crawford, Evans, Irwin, Merriwether, Perry, Pickett, Walthall and Watkins.

Mr Morton moved that the further consideration of the resolution be indefinitely postponed, which was lost. Yeas 10—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Anderson, Evans, Hubbard, Irwin, Jackson, Morton, Perry, Pickett and Walthall.

Those who voted in the negative are Mr President, Crawford, Edmondson, Garth, Hogan, Merriwether, Moore, Smith, Vining and Watkins.

Mr Morton then moved to fill the blank in the resolution with six hundred dollars, which was lost. Yeas 7—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Edmondson, Garth, Hogan, Moore, Smith and Vining.

Those who voted in the negative are Messrs Abercrombie, Anderson, Crawford, Evans, Hubbard, Irwin, Jackson, Meriwether, Morton, Perry, Pickett, Walthall and Watkins.

Mr Hogan moved to fill the blank with five hundred, which was carried. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Crawford, Edmondson, Garth, Hogan, Hubbard, Merriwether, Moore, Smith, Vining and Watkins.

Those who voted in the negative are Messrs Abercrombie, Anderson, Evans, Irwin, Jackson, Morton, Perry, Pickett and Walthall.

The question was then put, "Shall the resolution pass?" and decided in the affirmative. Yeas 11—Nays 9.

The yeas and nays being desired those who voted in the affirmative are mr President, Crawford, Edmondson, Garth, Hogan, Hubbard, Merriwether, Moore, Smith, Vining and Watkins.

Those who voted in the negative are messrs Abercrombie, Anderson, Evans, Irwin, Jackson, Morton, Perry, Pickett and Walthall. So the resolution was passed.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to define the prison bounds of the sveral counties of this State was taken up. The amendments proposed by the judiciary committee were severally concurred in, and the bill ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to authorize the inhabitants of township two, range one east in Madison county, to hold an election for ascertaining the wishes of said inhabitants in regard to selling the sixteenth section therein, was read the second time. Mr Evans offered the following amendment to

the bill: Sec. 2. *And be it further enacted*, That the provisions of the said act be also revived and continued in full force for the time aforesaid, so far as relates to the sixteenth section of township thirteen, range nine east in the county of Wilcox, which was adopted. *Ordered*, that the bill be committed to the committee on education.

The Senate took up the report of the committee on the Judiciary, on the resolution instructing them to inquire into the expediency of so amending the constitution of the State of Alabama, that the Legislature thereof shall not remain in session longer than five weeks, unless in cases of great emergency &c. On motion of Mr Jackson, *ordered*, that the report be again laid on the table.

A bill to be entitled an act to authorize Henry Lucas, Thomas Brown and Walter B. Lucas to turnpike a certain road therein named, was read the second time. Mr Hogan moved to strike out that part of the bill subjecting footmen to the payment of toll, which was carried. *Ordered*, that the bill be committed to the committee on roads, bridges and ferries to consider and report thereon.

Mr Pickett introduced joint resolutions proposing amendments to the constitution of the State of Alabama, so as to limit the sessions of the General Assembly thereof, which was read and ordered to a second reading to-morrow.

Mr Jackson offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of so amending the charter of the State Bank, as to admit of individual stock holders in said Bank as provided for by the constitution, and if in their opinion such an amendment would not be injurious to that institution, and beneficial to the interests of the good people of this State, that they report a bill to provide for an increase of the capital stock of the Bank of the State of Alabama by individual subscriptions to the stock of the same, with a view to establish branches of said Bank, which was adopted.

Mr Garth offered the following resolution: *Resolved*, That a committee be appointed to inquire into the effects of the various tariff laws of the United States for the encouragement of manufactures upon the people of this State, and if they have a bad effect, whether the resources of the State of Alabama can be put in requisition to counteract the injurious consequences of said laws, upon the prosperity of the State of Alabama which was adopted, whereupon messrs Garth, Jackson and Moore were appointed the committee.

A bill to be entitled an act to repeal an act concerning roads, highways, bridges and ferries, in the county of Mobile, approved. December 24th, 1824, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to establish an office of discount and deposit of the Bank of the State of Alabama at———was read the second time. Mr Jackson moved that the further consideration of the bill be postponed till the first day of June next, which was lost. Yeas 7—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Anderson, Garth, Jackson, Merriweather, Pickett and Walthall.

Those who voted in the negative are Mr President, Crawford, Edmondson, Evans, Hogan, Hubbard, Irwin, Moore, Morton, Perry, Smith, Vining and Watkins.

On motion of Mr Perry, *ordered*, that the bill lie on the table, and that twenty-five copies thereof be printed for the use of the Senate.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives concur in the several amend-

ments made by your honorable body to the bill entitled an act amendatory of the laws of this State on the subject of elections of members of the General Assembly.

A message from the House of Representatives by Mr Tunstall: Mr President—The House of Representatives have read three several times and passed a bill which originated in the Senate, entitled an act for the relief of James A. Thompson, taxcollector of Dallas county.

Joint memorial to the Congress of the United States asking relief for the purchasers of public lands and for other purposes, was read the second time. On motion of Mr Hubbard, *ordered*, that the memorial lie on the table, and that fifty copies thereof be printed for the use of the Senate.

A bill to be entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes, was read the second time. On motion of Mr Walthall, *ordered*, that the bill lie on the table, and that fifty copies thereof be printed for the use of the Senate.

A bill to be entitled an act to authorize the trustees of the University of the State of Alabama, to reduce the price of the unsold university lands in this State, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to amend an act entitled an act to incorporate the Valley Creek Academy in the county of Dallas, was read the second time and referred to a special committee consisting of messrs Perry, Walthall and Conner.

A bill to be entitled an act to amend an act for the government of the port and harbor of Mobile passed December 23rd, 1822, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to increase the pay and the more effectually to provide for the payment of the jurors for the county of Montgomery, and for other purposes, was read the second time and referred to a special committee consisting of messrs Abercrombie, Irwin and Wood.

A bill to be entitled an act to provide for the election of judges of the supreme court was read the second time. Mr Jackson moved that the further consideration of the bill be indefinitely postponed, which was carried. Yeas 15—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, Jackson, Merriwether, Pickett, Smith, Walthall and Watkins.

Those who voted in the negative are Mr President, Andarson, Moore, Morton, Perry, Vining and Wood.

Mr Moore, from the joint committee on enrolled bills, reported as correctly enrolled, an act amendatory of the laws of this State on the subject of elections of members of the General Assembly, which was accordingly signed by Mr President.

A bill to be entitled an act to authorize John A. Chapman, Simeon Chapman, Daniel Welch and their associates, to turnpike a certain road therein named, was read the second time and referred to the committee on roads, bridges and ferries, to consider and report thereon.

A bill to be entitled an act concerning the dismissal of suits at common law, was read the second time and ordered to a third reading to-morrow.

An engrossed bill to be entitled an act to fix the time for convening the General Assembly of the state of Alabama, was read the third time and ordered to lie on the table.

An engrossed bill to be entitled an act to extend the time for final settle-

ment of the accounts of the taxcollector of Morgan county, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid and that it be sent to the House of Representatives for their concurrence.

Joint memorial to the Congress of the United States, asking a donation of land to connect by a canal, the waters of the Tennessee with those of the Coosa river, was read the second time and ordered to a third reading to-morrow.

Joint memorial to the Congress of the United States praying a postponement of the sales of the public lands in the county of Jackson, was read the second time and referred to a special committee consisting of messrs Moore, Vining and Edmondson.

A bill to be entitled an act to repeal in part an act entitled an act regulating judicial proceedings in certain cases passed 18th December 1811, and for other purposes, was read the second time and ordered to be engrossed for a third reading to-morrow.

Mr Smith moved the adoption of the rule proposed by him on th 1st inst. in lieu of the 29th rule for the government of the Senate proposing that the committees of the Senate shall be appointed by ballot. Mr Abercrombie moved that the rule proposed lie on the table till the first day of August next, which was carried. Yeas 15—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Crawford, Edmondson, Garth, Hubbard, Irwin, Jackson, Merriwether, Perry, Pickett, Vining, Walthall, Watkins and Wood.

Those who voted in the negative are, Messrs Conner, Evans, Hogan, Moore and Smith.

Mr Jackson moved that mr Pickett be added to the special committee to which was referred the bill entitled an act to secure to femes covert their estates, which was carried. On motion of mr Perry, *ordered*, that mr Garth be added to the same committee.

Mr Hubbard, from the committee on the State Capitol to which was referred the report of the commissioners appointed to superintend the erection of the State Capitol, reported a bill to be entitled an act for the payment of certain contracts against the State, which was read and ordered to a second reading to-morrow.

Mr Hogan, from the special committee to which was referred the bill entitled an act to change the mode of paying jurors in certain counties therein named, reported the same without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Garth being a member of five standing committees asked to be excused from serving on the committee appointed to examine the books and management of the office of State Treasurer which was agreed to; whereupon mr Jackson was appointed a member of the committee in place of mr Garth.

Mr Hubbard called up the bill to be entitled an act to fix the time for convening the General Assembly of the State of Alabama. The question was then put, "shall the bill pass?" and determined in the affirmative. Yeas 12—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Mr President Abercrombie Conner Edmondson Hogan Hubbard Jackson Merriwether Smith Vining Walthall and Wood.

Those who voted in the negative are, Messrs Anderson Evans Garth Irwin Moore Perry Pickett and Walthall.

Ordered, That the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Hogan introduced a bill to be entitled an act regulating the duties of

county treasurer, which was read and ordered to a second reading to-morrow.

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Saturday December 12, 1829.

The Senate met pursuant to adjournment.

Mr Irwin presented the petition of George Sargent and others, praying that Samuel W. Watson may be licensed to practice medicine in the county of Henry without an application to the medical board, which was read and referred to a special committee consisting of messrs Irwin, Watkins and Smith.

Mr Merriwether presented the petition of Martha Williams, of Greene county, and of sundry others in her behalf, praying the passage of a law exempting such property as she may have acquired, or such as she may hereafter acquire from the payment of debts contracted by the husband of the said Martha, who is represented to have abandoned his family, which was read and referred to a special committee consisting of messrs Merriwether, Morton and Evans.

Mr Moore from the special committee to which was referred a joint resolution asking the establishment of a land office in Bellfonte; reported the same without amendment. Mr Moore moved to strike from the resolution the words "provided that the establishment of said office shall not effect the the discontinuance of the land office at Huntsville," which was carried. On motion of Mr Irwin, *ordered*, that the resolution be referred to a special committee, whereupon messrs Irwin, Moore and Vining were appointed the committee.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed a bill which originated in the House, entitled an act to amend an act passed 13th day of January 1826, entitled an act to establish a permanent road from Florence in the county of Lauderdale to Athens in the county of Limestone, in which they desire your concurrence. The bill mentioned in the foregoing message was read the first time and ordered to a second reading on Monday next.

On motion of Mr Vining, *ordered*, that Mr Jackson be added to the committee on accounts and claims.

Mr Evans offered the following resolution: *Resolved*, That the committee on roads, bridges and ferries be instructed to inquire into the expediency of altering or amending the present road law so as to give the commissioners of roads and revenue the power of levying a tax for the purpose of keeping up roads, and that they have leave to report by bill or otherwise, which was adopted.

Joint memorial asking a donation of land to connect by canal the waters of the Tennessee and Coosa rivers, which was read the third time and passed. Yeas 20—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Anderson, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Jackson, Merriwether, Moore, Morton, Perry, Pickett, Smith, Vining, Walthall, Watkins and Wood.

Those who voted in the negative are, Messrs Abercrambie and Irwin.

Ordered, that the secretary acquaint the House therewith.

A bill to be entitled an act making appropriation for the payment of certain contracts against the State was read the 2d time and laid on the table.

Joint resolution proposing an amendment to the constitution of the State of Alabama so as to limit the sessions of the General Assembly thereof, was read the second time. Mr Walthall moved that the resolution lie on the table, which was carried. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Edmondson, Hogan, Irwin, Jackson, Moore, Vining, Walthall, Watkins and Wood.

Those who voted in the negative are, Messrs Anderson, Conner, Crawford, Evans, Garth, Merriwether, Perry, Pickett and Smith.

So the resolution was laid on the table.

A bill to be entitled an act regulating the duties of county treasurer, was read the second time and ordered to be engrossed for a third reading on Monday next. Engrossed bills of the following titles to wit: an act to change the mode of paying jurors in certain counties therein mentioned; an act to authorize the Trustees of the University of the State of Alabama to reduce the price of the unsold University lands in this State; an act to amend an act for the government of the port and harbor of Mobile, passed December 23, 1822; an act to repeal an act concerning roads, highways, bridges and ferries in the county of Mobile approved Dec. 24, 1824; and an act to repeal in part an act entitled an act regulating judicial proceedings in certain cases passed 18th December 1811, and for other purposes, were severally read the third time and passed. *Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House for their concurrence.

A bill from the House of Representatives entitled an act concerning the dismissal of suits at common law, was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

An engrossed bill to be entitled an act to define the prison bounds in the several counties in this State, was read the third time. Mr Jackson moved to reconsider the vote of the Senate ordering the bill to a third reading which was carried. *Ordered*, that the bill be committed to a special committee, whereupon Messrs Jackson, Anderson and Moore were appointed the committee. Joint resolution proposing amendments to the constitution of the State of Alabama so as to limit the tenure of the judges office to six years, were read the second time and ordered to be engrossed for a third reading on Monday next.

And then the Senate adjourned till Monday morning at 10 o'clock.

Monday, December 14, 1829.

The Senate met pursuant to adjournment.

Mr Perry, from the special committee to which was referred a joint resolution of the Legislature of the State of Alabama asking the consent of Congress to a law passed by the Legislature of this State imposing a duty of three cents per ton on ships or vessels entering the port of Mobile, reported the same without amendment. *Ordered*, that the resolution lie on the table.

Mr Perry, from the same committee to which was referred engrossed joint resolutions instructing our Senators and requesting our Representatives in Congress to ask the consent of Congress to lay a tonnage duty for the term of five years for the support of a harbor master for the port of Mobile, reported the same as amended. *Ordered*, that the report and resolution lie on the table.

Mr Garth, from the committee on the judiciary to which was referred joint resolutions proposing amendments to the constitution of the State of Alabama so as to have biennial sessions of the General Assembly thereof; reported the same without amendment. *Ordered*, that that the resolutions be engrossed and made the order of the day for a third reading to-morrow.

Mr Merriwether, from the special committee to which was referred, the petition of Martha Williams, reported a bill to be entitled an act for the relief of Martha Williams, which was read and ordered to a second reading to-morrow.

Mr Walthall, from the special committee to which was referred a bill to be entitled an act to amend an act entitled an act to incorporate the Valley Creek Academy in the county of Dallas; reported the same without amendment. *Ordered*, that the bill be engrossed and made the order of the day for third reading to-morrow.

Mr President presented to the Senate the following communication from Samuel Pickens, Esq.

COMPTROLLER'S OFFICE *Tuscaloosa December 14. 1829.*

To the Honorable the President of the Senate.

SIR—The term for which I was elected to the office of Comptroller of Public Accounts having expired, I beg leave respectfully to ask the appointment of a committee to examine the books and papers of the Department, and to transfer them into the hands of my successor in office.

In thus soliciting from the honorable body over which you preside, an investigation of my official conduct, in a trust with which I have been long charged, I should feel that I was wanting in a due measure of gratitude, if I did not avail myself of this last opportunity I may ever enjoy of offering to the Legislature, my unfeigned thanks for the repeated testimonials of public confidence, with which they have honored me. The unanimity with which for ten successive years I have been called to discharge the duties of an important branch of the Executive Department, demands my warmest acknowledgements; and is an event to which I shall ever fondly recur as an evidence of their uniform and continued approbation, which no suspension of its favors could tempt me to undervalue. I have the honor to be, very respectfully, your obedient servant,

SAMUEL PICKENS.

Ordered that the communication lie on the table.

On motion of *Mr Hogan*: *Resolved*, That a committee be appointed to examine the books and papers in the Comptroller's office pursuant to the request contained in the foregoing communication; whereupon messrs Hogan, Pickett and Moore were appointed the committee.

A message from the House of Representatives by *Mr Van Dyke*: *Mr President*—The House of Representatives have amended the amendment made by your honorable body, to the joint resolution to authorize the building committee to procure the necessary furniture for the Executive rooms in the State Capitol, by striking out "five hundred" and inserting in lieu thereof "three hundred and seventy-five." In which they desire the concurrence of the Senate. *Mr Moore* moved that the Senate disagree to the amendment made by the House of Representatives to the amendment to the joint resolution to authorize the building committee to procure the necessary furniture for the Executive rooms in the State Capitol, which was carried. Yeas 14—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, *Mr President*, Anderson, Crawford, Edmondson, Garth, Hubbard, Jackson, Meriwether, Moore, Morton, Perry, Smith and Vining.

Those who voted in the negative are, Messrs Abercrombie, Conner, Evans, Hogan, Irwin, Pickett, Walthall and Watkins.

Mr Irwin introduced a joint memorial to the Congress of the United States to procure the establishment of a land office at Montecello in Pike county, which was read and ordered to a second reading to-morrow.

Mr Abercrombie, from the special committee to which was referred a bill to be entitled an act to increase the pay, and the more effectually to provide for the payment of the jurors for the county of Montgomery and for other purposes, reported the same without amendment. *Ordered*, that the bill be made the order of the day for a third reading on to-morrow.

The Senate took up for consideration, the resolution from the House of Representatives proposing that the joint committee elected to examine into

the situation and management of the State Bank, be required to ascertain and report to the two Houses of the General Assembly what amount of bills of exchange have been discounted, and what amount of damage has been received upon bills of exchange which have not been punctually paid. On motion of Mr Jackson: *Ordered*, that the resolution be referred to a special committee, whereupon Messrs Jackson, Hogan and Watkins were appointed.

A bill to be entitled an act to amend an act passed 13th day of January 1826, entitled an act to establish a permanent road from Florence in the county of Lauderdale to Athens in the county of Limestone was read the second time and ordered to a third reading to-morrow.

An engrossed bill to be entitled an act regulating the duties of county treasurers was read the third time and re-committed to a special committee consisting of Messrs Hogan, Perry and Morton.

Joint resolutions proposing amendments to the Constitution of the State of Alabama so as to limit the tenure of the judges' office to six years, were read the third time and laid on the table.

Mr Pickett introduced a bill to be entitled an act supplementary to an act passed 14th December 1827 prescribing the mode of contesting elections; which was read and ordered to a second reading to-morrow.

Mr Perry introduced a bill to be entitled an act to exempt garnishees from the payment of costs in certain cases, which was read and ordered to a second reading to-morrow.

Mr Crawford introduced a bill to be entitled an act to provide for the compensation of jurors, which was read and ordered to a second reading to-morrow.

Mr Evans introduced a bill to be entitled an act changing the time of holding elections for county officers, which was read and ordered to a second reading to-morrow.

Mr Hubbard offered the following resolution: *Resolved*, by the Senate, the House of Representatives concurring, that the joint committee appointed by the two Houses at the present session of the General Assembly, to examine the votes of the people of this State given at the last general election on the amendments proposed by the last General Assembly to change the constitution of this State, so as to limit the tenure by which the judges hold their offices, be instructed as soon as the same can be done to report to their respective Houses the result of their examination; which was adopted.

Mr Hogan offered the following resolution: *Resolved*, That the door keeper be authorized to purchase as much cotton bagging as will cover the floor of the Senate, which was rejected.

On motion of Mr Abercrombie, *Ordered*, That Mr Anderson have leave of absence from the Senate for the remainder of the session after to-day.

On motion of Mr Hogan, *Ordered*, That Mr Jackson be added to the committee on the State Bank.

On motion of Mr Perry, *Ordered*, That Mr Jackson be added to the committee on the judiciary.

Mr Pickett called up the joint resolution proposing an amendment to the constitution of the State of Alabama so as to limit the sessions of the General Assembly thereof. *Ordered*, That the resolution be engrossed and made the order of the day for a third reading to-morrow.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Tuesday, December 15, 1829.

The Senate met pursuant to adjournment.

Mr Hogan presented the petition of James Johnson, administrator of the

estate of Daniel Johnson, deceased, and of Hiram Monger, praying that the estate of the said Daniel, and the said Hiram Monger may be released and discharged from all liability which they may have incurred, by becoming the security of Benj Baldwin, tax collector of Baldwin county, for the year 1813, for the reason that no steps were taken to recover the money from principal, who is represented to have been in solvent circumstances for many years after the bond was given; which was read and referred to the committee on propositions and grievances, to consider and report thereof.

Mr Hogan also presented the petition of Joseph Steel, tax collector of Mobile county, for the year 1829, stating that owing to the absence of many of the citizens of Mobile and in consequence of the prevalence of the yellow fever in that city, he has been unable to complete the collection of the taxes, praying that he may be allowed three months in addition to the time prescribed by law to collect and pay over the taxes of said county, which was read and referred to a special committee consisting of messrs Hogan, Evans and Watkins, to consider and report thereon.

Mr Morton from the committee on roads, bridges and ferries to which was referred a bill to be entitled an act to authorize John Chapman, Daniel Welch, and their associates to turnpike a certain road therein named, reported the same without amendment. *Ordered*, that the bill be made the order of the day for a third reading to-morrow.

Mr Morton, from the same committee to which was referred a bill to be entitled an act to authorize Henry Lucas, Thomas Brown and Walter B. Lucas to turnpike a certain road therein named, reported the same without amendment. *Ordered*, that the bill lie on the table till to-morrow.

Mr Hogan, from the committee on the State Bank submitted the following report: The committee on the State Bank beg leave to be discharged from the further consideration of a resolution instructing them to inquire whether the services of the additional clerk authorized to be employed for six months in each year be not necessary for the entire year and if so whether the compensation that is allowed by the act entitled an act to authorize the employment of an additional clerk for the Bank of the State Alabama, approved Jan. 29, 1829, be sufficient for the services required of that officer, and also whether any curtailment in the expenses of said institution can with propriety be made, and ask leave to recommend the same to the consideration of the joint examining committee on the State Bank. *Ordered*, that the committee on the State Bank be discharged from the further consideration of the resolution mentioned in the foregoing report, and that the same be committed to the committee elected on the part of both Houses to examine and report the situation of the State Bank.

Mr Irwin, from the committee on public printing to which was referred, the petition of Dugald M-Farlane; reported a bill to be entitled an act for the relief of Dugald M-Farlane, which was read and ordered to a second reading to-morrow.

Mr Hubbard introduced a bill to be entitled an act to increase the revenue of the State of Alabama, which was read and ordered to second reading to-morrow.

Mr Irwin introduced a bill to be entitled an act to appoint commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians and for other purposes, which was read and ordered to a second reading to-morrow.

Mr Jackson presented the memorial of Gains Kibby of Morgan county stating that he has made experiments in the growing of hemp in this State, and praying a loan from the State Bank, reimbursable in 2 or 3 years.

(he paying the interest semi-annually,) to enable him to establish rope walks and a bagging factory in this State ; which was read and referred to a special committee consisting of messrs Jackson, Garth and Moore.

A message from the House of Representatives by Mr Tunstall : Mr President—The House of Representatives insist on their amendment to the amendment made by the Senate to the joint resolution to authorize the building committee to procure the necessary furniture for the Executive rooms in the State Capitol. They concur in the resolution of your honorable body, proposing that the joint committee appointed to examine the votes of the people of this State given at the last general election on the proposed amendment of the constitution so as to limit the tenure of the judges, be instructed, as soon as the same can be done, to report to their respective Houses the result of their examination. Mr Evans moved that the Senate recede from their disagreement to the amendment made by the House of Representatives to their amendment to the joint resolution to authorize the building committee to procure the necessary furniture for the executive rooms in the State Capitol, which was carried. Yeas 13—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Mr President Abercrombie Conner Crawford Edmondson Evans Garth Hogan Merriwether Pickett Vining Walthall and Watkins.

Those who voted in the negative are, Messrs Hubbard, Irwin Jackson Moore Morton Perry Smith and Wood.

On motion of mr Crawford, *ordered*, that mr Watkins be added to the committee on education.

A bill to be entitled an act supplementary to an act passed 14th December 1827, prescribing the mode of contesting elections ; an act to exempt garnishees from the payment of costs in certain cases ; and an act to provide for the compensation of jurors, were severally read the second time and committed to the committee on the judiciary.

A bill to be entitled an act to change the time of holding elections for county officers was read the second time. Mr Jackson moved to amend the bill by adding the words "assessors and tax collectors." *Ordered*, that the bill together with the proposed amendment be referred to a special committee, whereupon messrs Jackson, Morton and Evans were appointed the committee.

A bill to be entitled an act for the relief of Martha Williams was read the second time. Mr Perry offered the following amendment to the bill : "*And be it further enacted*, that all the property acquired by Louisa Ferguson of Dallas county so long as she lives separate and apart from her husband Lewis Ferguson, shall not be liable for the debts of the said Lewis Ferguson, or to be sold by him. *And be it further enacted*, that said Louisa Ferguson so long as she lives separate and apart from her husband may contract, and sue and be sued, as a *feme sole*," which was adopted. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Joint memorial to the Congress of the United States to procure the establishment of a land office in Montecello, Pike county, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to increase the pay, and more effectually to provide for the payment of jurors in the county of Montgomery, and for other purposes, was read the third time and passed. *Ordered*, that the secretary acquaint the House therewith.

An engrossed bill to be entitled an act to amend an act entitled an act to incorporate Valley Creek academy, in the county of Dallas, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill from the House of Representatives entitled an act to amend an act passed 13th day Jan. 1826 entitled an act to establish a permanent road from Florence in the county of Lauderdale to Athens in the county of Limestone, was read a third time and passed. Ordered, that the secretary acquaint the House of Representatives therewith.

Engrossed joint resolutions proposing amendments to the constitution of the State of Alabama so as to have biennial sessions of the General Assembly thereof, were read the third time and referred to a special committee consisting of messrs Smith, Perry and Jackson.

Mr President laid before the Senate the following communication from the Governor :

EXECUTIVE DEPARTMENT, *December 14, 1829.*

Hon. L. Powell President of the Senate

SIR—It is proper that I inform you of the absence of the Secretary of State in consequence of the indisposition of his family, and that my communications will hereafter be made through Capt. Abbott. I have the honor to be, sir, most respectfully, your most ob't ser't, GABRIEL MOORE.

Ordered, that the communication lie on the table. Ordered, that the engrossed joint resolution proposing an amendment to the constitution of the State of Alabama so as to limit the sessions of the General Assembly thereof, lie on the table.

On motion of Mr Hubbard, *ordered*, that Mr Jackson be added to the committee on the State Capitol.

Mr Pickett introduced a bill to be entitled an act to emancipate a certain slave therein named, which was read and ordered to a second reading to morrow.

On motion of Mr Jackson, *ordered*, that Mr Hubbard be added to the special committee to which was referred the bill entitled an act to define the prison bounds of the several counties in this State.

Mr Watkins moved to reconsider the vote of the Senate on the resolution offered yesterday by Mr Hogan, directing the doorkeeper to procure a sufficient quantity of cotton bagging to cover the floor of the Senate chamber, which was carried. The question was then put on the adoption of the resolution and decided in the negative.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Wednesday, Dec. 16th, 1829.

The Senate met pursuant to adjournment.

Mr Hogan presented the memorial of Henry Sossaman, contractor for the carpenter's work on the State Capitol, praying remuneration for expenses incurred and losses sustained in the execution of his contract, by reason of delay in the completion of the brick work, by which he was prevented from commencing and progressing with the carpenter's work for a considerable time after he had employed hands, which was read and referred to the committee on the State Capitol.

Mr Irwin presented the petition of the commissioners of roads and revenue, for the county of Covington, praying the establishment of a toll bridge across Conecuh river at the town of Montezuma, which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Hogan presented the petition of sundry merchants and others of the city of Mobile, remonstrating against the auction system, and praying the passage of a law subjecting auctioneers for the city and county of Mobile to the payment of an annual tax of three thousand dollars, which was read and referred to the committee on propositions and grievances to consider and report thereon.

Mr Morton, from the committee on roads, bridges and ferries to which

was referred the petition of Edwin Lewis of Mobile county praying that a turnpike road constructed by him may be valued and paid for out of the county treasury of said county, reported that the prayer of the petitioner is unreasonable and ought not to be granted, which was concurred in.

Mr Morton, from the same committee, to which was referred a resolution instructing them to inquire into the expediency of altering and amending the present road law, so far as to give the commissioners of roads and revenue the power of levying a tax for the purpose of keeping up roads, reported that it is inexpedient to make the amendment proposed by the resolution. *Ordered*, that the report and resolution lie on the table.

Mr Moore, from the joint committee on enrolled bills, reported as correctly enrolled, an act for the relief of James A. Thompson, taxcollector of Dallas county; and an act to alter the time of holding the county courts of Jefferson county; which were accordingly signed by mr President.

Mr Crawford, from the committee on education to which was referred a bill to be entitled an act to authorize the inhabitants of township two, range one east in Madison county, to hold an election for the purpose of ascertaining the wishes of said inhabitants in regard to selling the 16th section therein, reported the same without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Hogan, from the special committee to which was referred the petition of Joseph Steele, reported a bill to be entitled an act for the relief of Joseph Steele, taxcollector of Mobile county, which was read and ordered to a second reading to-morrow.

Mr Crawford, from the committee on education, reported a bill to be entitled an act to amend an act entitled an act to authorize the sales of 16th sections and for other purposes, approved 13th January, 1828, which was read and ordered to a second reading to-morrow.

Mr Jackson, from the special committee to which was referred a bill to be entitled an act to secure to females covert their estates, reported the same as amended by striking out all after the enacting clause, and substituting another bill in lieu thereof. On motion of mr Hubbard, *ordered*, that the bill together with the proposed substitute lie on the table till Monday next.

Mr Perry, from the special committee to which was referred the joint resolution instructing our Senators and requesting our Representatives in Congress to use their exertions to procure the passage of a law to authorize this State to appropriate the proceeds of the 400,000 acres of land granted to this State to improve the navigation of the Tennessee and other rivers to the making a canal connecting the waters of the Tennessee with those of the Coosa, reported the same as amended, which was concurred in. On motion of mr Perry, *ordered*, that the resolution lie on the table till Monday next.

Mr Merriwether presented the following communication from Corneille Roudet:

To the Hon. President of the Senate:

Sir—I beg leave to present to the Senate for their inspection a small sample of silk which was made on my farm, in the vicinity of Erie. I commenced last year to propogate the silk worm with from five to six hundred eggs. This year I commenced with seventy five pounds of cocoons, which yielded me seven pounds of clear silk, and has left me one pound of eggs. In France it is calculated that one ounce yields ten pounds of raw silk, which is always worth from six to eight dollars per pound. One pound of cocoons will produce about 96000 worms, which will be worth about \$1200. The necessary labor only required is about twenty-two days. I find

the climate is well calculated to promote this kind of industry. I also beg leave to mention, that I have this year made one barrel of Madeira wine, which I flatter myself will be found to be equal to any imported. And if the season be favorable the next year, I flatter myself that I shall make about twenty barrels. I have between ten and eleven acres of the vine in full cultivation. I have also turned my attention to the 'benc oil,' and from the experiments I have made this year, I have no doubt but this article will pay the planter well for his trouble. From the experiment I have made, I feel warranted in saying, as an article for exportation, it will yield from sixty to one hundred dollars per acre. The oil is fit for table use, and as lamp oil is superior to any known, as it has no offensive smell. I would beg leave further to state that I have this year 19000 of the first quality of fruit trees, vines &c. in my nursery and orchard, which I propose to sell at very reduced prices. I have the honor to be, respectfully, your obedient servant.

CORNEILLE ROUDET.

Ordered, that the communication be referred to the special committee appointed on the memorial of Gaines Kebby. *Ordered*, that Mr Merriwether be added to the committee.

A message from the House of Representatives by Mr Van Dyke: Mr President--The House of Representatives have read three several times and passed bills which originated in their house, entitled an act to alter the name of Lazarus Maddux to that of Leigh Maddux; and an act to authorize William Johnson, sen to make titles to the lots sold by the commissioners of the town of Pickens in Pickens county, in which they desire the concurrence of the Senate.

The bills mentioned in the foregoing message were severally read the first time and ordered to a second reading to-morrow.

Mr Walthall presented the petition of the executrix and legatees of Drury B. Cade, deceased, praying authority to sell certain real estate, which was read.

Mr Walthall also introduced a bill to be entitled an act to authorize Sarah Cade, executrix of Drury B. Cade deceased, to sell and transfer certain real estate, which was read and ordered to a second reading to-morrow.

Mr Evans introduced a bill to be entitled an act concerning divorce, which was read and ordered to a second reading to-morrow.

A bill to be entitled an act to emancipate a certain slave therein named, was read the second time, amended on Mr Evans' motion, and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to increase the revenue of the state of Alabama, was read the second time and ordered to lie on the table.

A bill to be entitled an act for the relief of Dugald McFarlane, was read the second time. Mr Crawford moved that the further consideration of the bill be postponed till the first day of April, which was carried.

A bill to be entitled an act to authorize Henry Lucas, Thomas Brown, and W. B. Lucas to turnpike a certain road therein named, was taken up and ordered to be engrossed for a third reading to-morrow.

Engrossed memorial to the Congress of the United States to procure the establishment of a land office at Monticello in Pike county, Alabama, was read the third time, amended by way of rider on Mr Irwin's motion and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to appoint commissioners to mark out a road through that part of Pike county now occupied by the Creek nation of In-

dians and for other purposes, was read the second time and ordered to be engrossed for a third reading to-morrow.

An engrossed bill to be entitled an act for the relief of Martha Williams, was read the third time and passed. *Ordered*, that the words "and for other purposes" be added to the title of the bill, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to authorize John A. Chapman, Simeon Chapman, Daniel Welch and their associates to turnpike a certain road therein named, was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

And then the Senate adjourned till to-morrow morning 10 o'clock.

Thursday, Dec. 17th, 1829.

The Senate met pursuant to adjournment.

Mr Perry presented the petition of Joseph M. Durey praying authority to establish a private ferry across the Cahawba river on lands belonging to the state, which was read and referred to a special committee consisting of messrs Perry, Abercrombie, and Evans, to consider and report thereon.

Mr Perry from the committee on the judiciary to which was referred a bill to be entitled an act to provide for the compensation of jurors, reported the same as amended, which was concurred in. *Ordered*, that the bill lie on the table till Monday next.

Mr Smith from the special committee to which was referred engrossed joint resolutions proposing amendments to the constitution of the state of Alabama, so as to have biennial sessions of the General Assembly thereof, reported the same with sundry amendments. Mr Perry moved to disagree to the report of the committee proposing to strike from the original resolution, the words "two years" where they read thus: "The Senators shall be chosen by the qualified electors for the term of two years &c." and proposing to insert four years, as the term of service of the Senators, which was lost. Yeas 6—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Conner, Edmondson, Garth, Perry, Walthall and Wood.

Those who voted in the negative are, Mr President, Abercrombie, Crawford, Evans, Hogan, Hubbard, Irwin, Jackson, Merriwether, Moore, Morton, Pickett, Smith, Vining and Watkins.

Ordered, that the Senate concur in the several, amendments proposed by the special committee, to the resolutions. Mr Hubbard moved that the resolution as amended be engrossed and that the amendments made thereto be read a second time to-morrow, which was carried.

Mr Jackson, from the special committee to which was referred the bill entitled an act to define the prison bounds of the several counties in this state, reported the same without amendment. On motion of Mr Perry, *ordered*, that the bill lie on the table till Monday next.

An engrossed bill to be entitled an act to authorize the inhabitants of township two, range one east, in Madison county to hold an election for the purpose of ascertaining the wishes of said inhabitants in regard to selling the sixteenth section therein, was read the third time and passed. *Ordered*, that the words "and for other purposes" be added to the title and that the bill be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to emancipate a certain slave therein named, was read the third time and passed. *Ordered*, that the title of the bill be an act to emancipate certain slaves therein named, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act concerning divorce was read the second time

referred to the committee on divorce and alimony, to consider and report thereon.

A bill to be entitled an act to authorize Sarah Cade, executrix of Drury B. Cade deceased, to sell and transfer certain real estate, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to alter the name of Lazarus Maddux to that of Leigh Maddux, was read the second time. On motion of Mr Vining, the rule requiring bills to be read on three several days was dispensed with, and the bill was read the third time forthwith and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to authorize William Johnson, sen. to make titles to lots sold by the commissioners of the town of Pickens in Pickens county, was read the second time and ordered to a third reading to-morrow.

The bill to be entitled an act for the relief of Joseph Steele, was read the second time and ordered to be engrossed for a third reading to-morrow.

An engrossed bill to be entitled an act to appoint commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians and for other purposes, was read the third time and referred to a special committee consisting of messrs Perry Jackson and Irwin.

An engrossed bill to be entitled an act to authorize Henry Lucas, Thomas Brown, and Walter B. Lucas to turnpike a certain road therein named, was read the third time. Mr Abercrombie moved to fill the blank in the bill where it relates to the period of time during which the right to receive toll shall continue, with "fifteen years." Mr Hubbard moved that the bill be committed to a special committee, which was carried; whereupon messrs Hubbard, Abercrombie and Conner were appointed the committee.

The following communication was received from the Governor by Capt. Abbett.

EXECUTIVE DEPARTMENT, Dec. 16th, 1829.

Hon. the President and members of the Senate :

Gentlemen—Joel A. Lyle having made it known to me by letter received this morning that he declines accepting the appointment of the judge of the county court of Conecuh county, I have embraced the earliest opportunity of communicating the fact that your honorable body may proceed to the necessary steps of filling the vacancy. I have the honor to be, very respectfully your obedient servant.

GABRIEL MOORE.

Ordered, That the communication lie on the table.

Mr Watkins offered the following resolution: *Resolved*, that with the concurrence of the House of Representatives, the Senate will convene in their Hall at the hour of twelve o'clock on to-morrow the 18th December, for the purpose of going into an election for judge of the county court of Conecuh, which was adopted. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to amend an act entitled an act authorizing the sale of sixteenth sections and for other purposes, approved, January 15th, 1828. was read the second time and ordered to be engrossed for a third reading to-morrow.

Mr Hubbard, from the committee on the judiciary to which was referred a bill to be entitled an act supplemental to an act passed, 14th December, 1827, prescribing the mode of contesting elections, reported the same as amended, which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Hubbard, from the committee on the state capitol to which was referred a resolution instructing them to ascertain and report to the Senate what amount of property was given by the citizens of Tuscaloosa to the state; and what disposition has been made of the same; and whether the ser-

vices of the state architect will be further required; and for what length of time; and whether the said architect has been interested, directly or indirectly in any of the contracts in relation to the said building, submitted the following documents, and asked to be discharged from the further consideration of the subject.

Tuscaloosa. Dec. 15th, 1829.

To the Hon the Chairman of the Committee on the State Capitol, in the Senate:

Sir—Yours of the 13th instant, covering a resolution of the Senate calling for information as to what amount of property was given by the citizens of Tuscaloosa to the state, and what disposition has been made of the same, and whether the services of the state architect will be further required, and for what length of time, and whether the said architect has been interested, directly or indirectly in any of the contracts in relation to said building; and also a resolution of the said committee inquiring what amount of contracts for work on the state capitol have been entered into, and which have not been completed on the part of the undertaker or workmen, is before us. The commissioners appointed to superintend the erection of the state capitol, in answer to the above inquiries, would respectfully represent, that in obedience to an act of the General Assembly, entitled an act providing for the erection of a state capitol, approved the 9th of January, 1827, we made a call on the secretary of state, for the evidence of title for the property donated by the citizens of Tuscaloosa to the state, and received for answer that no such evidences were to be found in his office.

As regards the services of the state architect, we will remark, that in planning, estimating and completing the work on the unfinished contracts, and also on such other contracts as may be necessary for the completion of the building, the services of an experienced architect will be required, as from the nature of our education and pursuits, we feel ourselves incompetent to make specifications, or estimates for the work, or judge of its execution.

As regards the architect being interested in any of the contracts for the erection of the capitol, we will remark, that had any evidence of such interest ever reached us, the relation between said architect and us as commissioners would have terminated immediately. We have at all times held ourselves ready to investigate any complaints on this head, and the architect has always manifested the greatest willingness to meet the strictest scrutiny.

And lastly as regards the amount of contracts which have not been completed, we would respectfully refer you to the accompanying statement of the architect. All of which is respectfully submitted.

JOHN L. TINDALL.

HENRY MINOR.

JAMES HOGAN.

J. H. DEARING.

S. B. EWING.

The State Architect respectfully informs the commissioners for erecting the State Capitol that of the contracts entered into in building the same, there yet remains incomplete as follows: Contract with James S. Gorman for plaster's work and materials, amounted to 4,250 dollars, and which is now about half finished; with David Johnson for copperwork, three fourths finished, 700 dollars; with Hickenburg & Scott for painting some parts of the building, amounting to about 600 dollars, about half finished; with John Robb for stone work in paving the rotunda and vestibule, of which there remains unfinished to the amount of 1000 dollars; with Wm. Morrison for carpenter's work, not complete, by work to the value of 60 dollars. All of which is respectfully submitted.

December 16, 1829.

WM. NICHOLS, *Superintendent.*

Ordered, that the committee on the state capitol be discharged from the further consideration of the subjects embraced in the resolution.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Friday, Dec. 18, 1829.

The Senate met pursuant to adjournment.

Mr Vining, from the joint committee on enrolled bills reported as correctly enrolled an act to increase the pay, and the more effectually to provide for the payment of jurors for the county of Montgomery; joint resolutions to authorize the building committee to procure the necessary furniture for the executive rooms in the State Capitol; and an act to amend an act passed the 13th January 1826, entitled an act to establish a permanent road from Florence in the county of Lauderdale to Athens in the county of Limestone, which was accordingly signed by Mr President.

A message from the House of Representatives by Mr McClellan: Mr President—The House of Representatives have read three several times and passed bills which originated in the House entitled an act to change the times of holding the circuit courts in the counties of Henry, Dale, Covington, Baldwin and Mobile; and an act to legalize the rites of matrimony between Gabriel Butler and Mary Littrell of the county of Lauderdale, and State of Alabama, and render legitimate their children. In all of which they desire your concurrence. They concur in the resolution of your honorable body proposing to go into the election of a judge of the county court of Conecuh county, and have amended the same by striking out 12 and inserting "4 o'clock" so as to go into the election to-day at 4 o'clock P.M. In which amendment they desire your concurrence. *Ordered*, that the Senate concur in the amendment made by the House of Representatives to the resolution relating to the election of a judge of the county court for Conecuh county; *ordered*, that the secretary acquaint the House of Representatives therewith.

Bills from the House of Representatives entitled an act to change the times of holding the circuit courts in the counties Henry, Dale, Covington, Baldwin and Mobile; and an act to legalize the rites of matrimony between Gabriel Butler and Mary Littrell of the county of Lauderdale and State of Alabama and render legitimate their children, were severally read the first time and ordered to a second reading to-morrow.

Mr Irwin, from the special committee to which was referred a petition in behalf of Samuel M. Watson, reported a bill to be entitled an act for the relief of Samuel M. Watson of Henry, which was read and ordered to a second reading to-morrow.

Mr Merriwether offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the propriety of so amending the laws in relation to the trial of slaves in cases of grand larceny so as to give justices of the peace the power to permit bail under suitable penalties, which was adopted.

An engrossed bill to be entitled an act for the relief of Joseph Steel, tax-collector of Mobile county, was read the third time and ordered to lie on the table.

Engrossed joint resolutions proposing amendments to the constitution of the State of Alabama so as to have biennial sessions of the General Assembly thereof, were read as amended and ordered to a third to-morrow.

An engrossed bill to be entitled an act to authorize Sarah Cade, executrix of Drury B. Cade, deceased, to sell and transfer certain real estate, was read the third time, and the question being put "shall the bill pass?" it was decided in the negative. Yeas 10—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Conner, Evans, Irwin, Moore, Morton, Perry, Pickett, Vining, and Walthall.—Those who voted in the negative are Mr President, Crawford, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Smith and Watkins.

Mr Jackson offered the following resolution: *Resolved*, that the committee on propositions and grievances be instructed to inquire into the expediency of amending the poor laws of this State, and to report by bill or otherwise; which was adopted.

And then the Senate adjourned till 4 o'clock this evening.

Evening Session.—An engrossed bill to be entitled an act supplemental to an act passed Dec. 14th, 1827, prescribing the mode of contesting elections, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House for their concurrence.

On motion of Mr Perry, ordered that Mr Jackson be added to the special committee to which was referred the documents accompanying the Governor's annual communication.

A engrossed bill to be entitled an act to amend an act entitled an act to authorize the sale of 16th sections and for other purposes, approved Jan. 15, 1828, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A message from the House of Representatives by Mr Van Dyke—Mr President: The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be informed that this House is now ready to receive them in its hall for the purpose of going into the election of a judge of the county court for the county of Conecuh.

Whereupon the members of the Senate repaired to the hall of the House of Representatives, and having taken their seats, Mr President arose and declared the object of the meeting: when the two Houses proceeded to elect a judge of the county court for Conecuh county. Stephen C. Richardson alone being in nomination. For Mr Richardson 64 votes—scattering 6.

Those who voted for Mr Richardson are Mr President, Conner, Garth, Irwin, Jackson, Perry, Vining, Walthall, Watkins. Reps. Mr Speaker, Acklen, Baker, Bales, Bibb, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Cook, Coopwood, Curtis, Dale, Dennis, Durrett, Ellis, Flournoy, Green, Hays, Hester, Hodges, Horton, Hudson, Jackson Jones, King, Lawler, Ligon, Massey, Metcalfe, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Penn, Pope, Rader, Richardson, Robinson, Ross, Raulston, Roysdon, Ship, Smith, Van Dyke, Ward, Weisinger, Williams and Young.

Stephen C. Richardson having received a majority of the whole number of votes, was declared by Mr Speaker to be duly elected judge of the county court of Conecuh county. The election being completed the Senate withdrew, returned to their own chamber and Mr President resumed the chair.

Mr Merriwether moved to reconsider the vote of the Senate on the passage of the bill entitled an act to authorize Sarah Cade, executrix of Drury B. Cade, deceased, to sell and transfer certain real estate, which was carried. *Ordered*, that the bill lie on the table.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Saturday, December 19, 1829.

The Senate met pursuant to adjournment.

Mr Morton, from the committee on roads, bridges and ferries, to which was referred a petition on the subject, reported a bill to be entitled an act to authorize Thomas McDonald to collect toll on a bridge across Conecuh river, which was read and ordered to a second reading on Monday next.

Mr Garth, from the committee on divorce and alimony to which was referred a bill to be entitled an act concerning divorce, reported the same as amended. Mr Jackson moved that the bill together with the proposed

amendment lie on the table till the first day of June next, which was carried. Yeas 12—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Crawford, Edmondson, Garth, Hogan, Jackson, Merriwether, Pickett, Smith, Walthall, Watkins and Wood.

Those who voted in the negative are Mr President, Conner, Evans, Hubbard, Irwin, Morton, Perry, and Vining.

Mr Pickett, from the committee of propositions and grievances submitted the following report: The committee on propositions and grievances to whom was referred the memorial of sundry merchants of the city of Mobile asking the passage of a law increasing the duties on sales at auction and for other purposes therein specified, have had the same under consideration and have come to the conclusion that it is inexpedient to legislate on the subject, in which report they ask the concurrence of the Senate. On motion of Mr Hogan, ordered, that the report lie on the table.

Mr Hogan, from the special committee to which was referred the engrossed bill to be entitled an act regulating the duties of county treasurers, reported the same as amended, which was concurred in. Mr Walthall offered an amendment to the bill by way of rider, which was read three several times and adopted. The question was then put, "shall the bill pass?" and decided in the affirmative. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A message from the House of Representatives by Mr McClellan: Mr President—The House of Representatives have read three several times and passed a bill which originated in their House entitled an act to authorize the administrators of the estate of Thomas C. Bradford, late of St. Clair county, deceased, to sell the real estate which belonged to said deceased, in which they desire the concurrence of the Senate.

A bill from the House of Representatives entitled an act to authorize the administrators of the estate of Thomas C. Bradford, late of St. Clair county, deceased, to sell the real estate which belonged to the said deceased, was read. On motion of Mr Conner, the rule requiring bills to be read on three several days was dispensed with, and the bill was read the second time forthwith, and ordered to a third reading on Monday next.

Mr Walthall called up the bill to be entitled an act to authorize Sarah Cade, executrix of Drury B. Cade, deceased, to sell and transfer certain real estate. The question was then put "shall the bill pass?" and determined in the affirmative. Yeas 11—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Evans, Irwin, Moore, Morton, Perry, Pickett, Vining, Walthall and Wood.

Those who voted in the negative are Mr President, Crawford, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Smith and Watkins.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Irwin, from the special committee to which was referred the joint resolution asking the establishment of a land office at Beliefonte, reported the same without amendment. The resolution was then passed.

Ordered, that the secretary acquaint the House of therewith.

Mr Hogan offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the propriety of extending the terms of the supreme court of this State so as to compel said court to sit at least six weeks at each term unless they sooner get through the business of said court, which was adopted.

Mr Jackson, from the special committee to which was referred the bill to be entitled an act to establish La Grange college, reported the same with sundry amendments. On motion of Mr Perry, ordered, that the bill together with the proposed amendments lie on the table till Monday next.

A bill from the House of Representatives entitled an act to authorize William Johnson, sen. to make titles to lots sold by the commissioners of the town of Pickens, in Pickens county, was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Engrossed joint resolutions proposing amendments to the constitution of the state of Alabama, so as to have biennial sessions of the General Assembly thereof, were read the third time.

Mr Hogan moved that the Senate adjourn till Monday morning at 10 o'clock, which was lost. Yeas 6—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are Messrs Hogan, Irwin, Moore, Perry, Smith and Walthall.—Those who voted in the negative are Mr President, Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hubbard, Jackson, Merriwether, Morton, Pickett, Vining, Watkins, Wood

The question was then put on the passage of the joint resolutions proposing amendments to the constitution of the state of Alabama, so as to have biennial sessions of the General Assembly thereof, and decided in the affirmative. Yeas 16—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Conner, Edmondson, Garth, Hogan, Hubbard, Jackson, Moore, Morton, Perry, Pickett, Smith, Vining, Walthall, Watkins and Wood.

Those who voted in the negative are Mr President, Crawford, Evans, Irwin and Merriwether.

Ordered, that the titles of the resolutions be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

A message from the Governor by Mr Abbott—Mr President: The Governor did, on the 18th inst. approve and sign an act for the relief James A. Thompson, tax collector of Dallas county; which originated in the Senate.

And then the Senate adjourned till Monday morning 10 o'clock.

Monday, December 21, 1829.

The Senate met pursuant to adjournment.

Mr Crawford from the committee on education submitted the following report: The committee on education, to whom has been referred a resolution instructing them to inquire into the expediency of removing the site of the University to some eligible situation near the centre of the State, have had the subject under their consideration, and respectfully report—That, in considering the subject now referred to them, which all admit to be one of high and lasting importance, they do not consider themselves as called upon to express any opinion as to the propriety of the original location of the University of this State. The question submitted to their consideration, as they conceive, is whether, under the existing state of things, it would be expedient and conducive to the true interest of the State to remove the institution to a more central situation. In determining this point, the committee has been in the first place directed to the progress which has been made in the erection of the University buildings at the present site, and the sums which have been expended upon them. Two dormitories, capable of accommodating about one hundred students, two blocks of professors' houses, capable of accommodating four professors and their families, and a hotel, are raised and covered, and the carpenter's and joiner's work of a part completed, and of the others considerably advanced and progressing; and a college chapel and laboratory are raised, and contracts made for covering and inclosing them so as to preserve them from injury. Upon these

buildings there has been expended about \$32,000, and contracts have been made for their finishing to an amount which the committee have not been able to ascertain. These buildings are generally well calculated for the purposes for which they are designed, but would be comparatively of but little value for any other purpose; and should a removal of the University take place, the monies which have been expended in their erection would be, in a great measure, lost to the institution. The committee are, therefore, of opinion that it is now inexpedient to remove the University of the State, from the site which has been selected. Believing that the character of the State, as well as a due respect for the General Government, whose munificence towards us has been so liberally exercised, requires of us a corresponding promptitude in carrying the views of the donors into execution. The committee are of opinion that the delay of two or three years, which would be produced by such a removal, furnishes another and a strong argument against it. However desirable in many respects a central location might be, such has not always been the policy of other states; numerous flourishing literary institutions are not so situated, and it is not understood that this has materially affected their usefulness. The usefulness of such an institution will, in a considerable degree, depend upon the facilities which it will afford to all classes of the community to enter the institution, and enjoy its benefits and the high standing and literary character of its faculty. Upon this, in a considerable degree, will depend the usefulness and the fame of the University of Alabama. By a judicious and happy choice of a faculty, and a prudent management of its funds and ample resources by those to whom its concerns are confided, the committee are of opinion that it will speedily reach that high standing which its friends so ardently desire, and obtain a proud eminence among the literary institutions of the present age.

THO. CRAWFORD, *Chairman.*

On motion of Mr Perry, ordered, that the report lie upon the table.

Mr Pickett, from the committee on propositions and grievances to which was referred the petition of the securities of Benjamin Baldwin, reported joint resolutions instructing the Comptroller of public accounts not to institute suit against the securities of Benjamin Baldwin, which was read and ordered to a second reading to-morrow.

Mr Crawford, from the committee on education to which was referred a resolution instructing them to inquire into the expediency of preventing a further appropriation or expenditure of money for building other than those now contracted for, reported a bill to be entitled an act better to provide for the erection of the University buildings and for other purposes, which was read and ordered to a second reading to-morrow.

Mr Moore introduced a bill to be entitled an act to authorize Sarah Edwards to sell a certain town lot therein named; which was read and ordered to a second reading to-morrow.

Mr Perry, from the special committee to which was referred a bill to be entitled an act to appoint commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians and for other purposes, reported the same as amended, which was concurred in; the bill was then read a third time and passed. *Ordered*, that the title be as aforesaid and that it be sent to the House for their concurrence.

Mr Hubbard offered the following resolution: *Resolved*, that the committee heretofore appointed by the Senate to act with such committee as was appointed by the other House to count and compare the votes given by the people of this State on amendments proposing to change the constitution so as to limit to six years the tenure by which the judges of the courts of this State hold their offices, be instructed to report separately to the Senate the

result of their investigation. Mr Jackson moved to amend the resolution by striking out all after the word "resolved," and inserting the following: "that that the joint committee appointed by both Houses to examine into and report to both Houses of the General Assembly the votes given for and against the amendment to the constitution, providing for an alteration of the time, the judges shall continue in office, with the concurrence of the House of Representatives be dissolved; and that each House obtain through their own committee the information required of the joint committee on that subject, which was carried. Yeas 12—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abernombie, Conner, Crawford, Edmondson, Hogan, Jackson, Merriwether, Morton Smith, Vining and Watkins.—Those who voted in the negative are Messrs Evans, Garth, Hubbard, Irwin, Moore, Perry, Pickett, Walthall, Wood.

Mr Pickett offered the following preamble and resolution: Whereas the Senate are in possession of satisfactory evidence that a large majority of the qualified voters of this State have voted in favor of the proposed amendment of the constitution of this State changing the tenure by which the Judges of this State shall hold their offices, be it therefore resolved, that the Senate now take up and act upon the resolutions on that subject. *Ordered*, that the resolution lie on the table.

A message from the House of Representatives by Mr Van Dyke: Mr President—the House of Representatives have read a third time and passed a bill which originated in their House entitled an act making an appropriation for the payment of the members and officers of the present General Assembly, in which they desire your concurrence.

A bill from the House entitled an act making an appropriation for the payment of the members and officers of the present General Assembly, was read the first time. Mr Hubbard moved that the rule requiring bills to be read on three several days be dispensed with, and that the bill be read a second and third time forthwith, which was lost, yeas 13—nays 6; a majority of four fifths being necessary.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abernombie, Conner, Edmondson, Garth, Hubbard, Irwin, Moore, Morton, Perry, Smith, Walthall, Watkins and Wood.

Those who voted in the negative are Mr President, Crawford, Evans, Hogan, Jackson, Merriwether, Pickett and Vining.

Ordered, that the bill be made the order of the day for a second reading to-morrow.

Mr Watkins introduced a bill to be entitled an act to regulate certain proceedings in county courts, which was read and ordered to a second reading to-morrow.

Mr Hogan introduced a bill to be entitled an act to incorporate the stockholders and subscribers to the newly invented marine rail way in the city of Mobile under the Rogers' patent, which was read and ordered to a second reading to-morrow.

Mr Hubbard introduced a bill to be entitled an act to authorize the register of the land office at Courtland to correct certain errors in the return of the land commissioners, which was read and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and ordered to lie on the table till to-morrow.

Mr Moore introduced a bill to be entitled an act to change the name of Henry Dudley, which was read and ordered to a second reading to-morrow.

Mr Irwin introduced a bill to be entitled an act to establish a permanent seat of justice in Dale county, which was read and ordered to second reading to-morrow.

Mr Hogan called up the joint resolutions instructing our Senators and

requesting our Representatives in Congress to ask the consent of Congress to lay a tonnage duty for the term of five years for the support of a harbor master for the port of Mobile. The report of the special committee proposing an amendment to the resolutions was concurred in. The resolutions were then read a third time and passed.

A bill to be entitled an act for the relief of Samuel M. Watson of Henry county, was read a second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to authorize the administrators of the estate of Thomas C. Bradford, late of St. Clair county, deceased to sell the real estate which belonged to said decedent, was read the third time and passed. *Ordered*, that the secretary acquaint the House of Reps. therewith.

A bill to be entitled an act to legalize the rites matrimony between Gabriel Butler and Mary Littrell, of the county of Lauderdale and State of Alabama, and render legitimate their children, was read a second time and ordered to be read a third time on to-morrow.

A bill to be entitled an act to authorize Thomas McDonald to collect toll on a bridge across the Conecuh river, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to change the times of holding the circuit courts in the counties of Henry, Dale, Covington, Baldwin and Mobile, was read a second time and referred to the judiciary committee.

The Senate took up for consideration the following resolutions: whereas great doubt exists that the amount which is now ascertained may be received in payment for the 400,000 acres of land granted to the State of Alabama for the purpose of cutting a steamboat canal through the Muscle Shoals in the Tennessee river, will be wholly inadequate to the purposes contemplated in the grant, and whereas it is an object of much more importance to the people of this State, as well as the people of Tennessee and Western Virginia, that the waters of Tennessee river and Alabama be united than that the funds should be wasted in a fruitless effort to accomplish a work of such immense magnitude as that of excavating the Muscle Shoals to afford a steamboat passage through said canal: Therefore, be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that our Senators in Congress be instructed and our Representatives requested to use their endeavors to procure the passage of a law authorizing the state of Alabama to dispose of the funds arising from the sale of the 400,000 acres of land granted to this State for internal improvement, and apply the same in cutting a canal from the waters of the Tennessee river to the waters of the Coosa, or in any other internal improvement that the state of Alabama may deem of most importance to the people thereof. 2d. And be it further resolved, that our delegation in Congress be requested to endeavor to obtain a grant of so much of the public domain as said canal may run through. 3d. And be it further resolved, that the Governor be and he is hereby requested to forward one copy of said resolutions to each of our Senators and Representatives in Congress.

Mr Jackson moved that the resolution lie on the table. Mr Hubbard moved that the further consideration of the resolution be postponed till the first day of the next session of the General Assembly, which was carried. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Edmondson, Garth, Hubbard, Irwin, Jackson, Meriwether, Moore, Morton, Pickett, Vining, Watkins and Wood.—Those who voted in the negative are Messrs Conner, Crawford, Evans, Hogan, Perry, Smith and Walthall.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Tuesday, December 22, 1829.

The Senate met pursuant to adjournment.

Mr Perry, from the committee on the judiciary to which was referred the bill to be entitled an act to exempt garnishees from the payment of costs in certain cases, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

The Senate resumed the consideration of the engrossed bill entitled an act to define the prison bounds of the several counties in this State. The question was put, Shall the bill pass? and determined in the affirmative. Yeas 10—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Conner, Edmondson, Hogan, Irwin, Moore, Perry, Watkins and Wood.—Those who voted in the negative are Messrs Crawford, Evans, Garth, Hubbard, Jackson, Merriwether, Pickett and Vining.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act for the relief of Samuel M. Watson, of Henry county, and an act to authorize Thomas McDonald to collect toll on a bridge across Conecuh river, were severally read the third time and passed. *Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

A bill from the House of Representatives entitled an act to legalize the rites of matrimony between Gabriel Butler and Mary Littrell, of the county of Lauderdale and state of Alabama, and to render legitimate their children, was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to establish the permanent seat of justice in Dale county, and an act change the name of Henry Dudley, were severally read the 2d time, and ordered to be engrossed for a 3d reading to-morrow.

A bill to be entitled an act to incorporate the stockholders and subscribers to the newly invented Marine Railway in the city of Mobile, under the Rogers' patent, was read the second time. Mr Jackson moved that the bill be committed to the committee on the judiciary; which was lost. Yeas 9—Nays 9.

The yeas and nays being desired those who voted in the affirmative are messrs Crawford, Edmondson, Hubbard, Irwin, Jackson, Merriwether, Moore, Vining and Walthall.

Those who voted in the negative are mr President, Conner, Evans, Garth, Hogan, Perry, Pickett Watkins and Wood.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

A bill to be entitled an act regulating certain proceedings of county courts, was read the second time and referred to the committee on the judiciary.

A bill to be entitled an act to authorize Sarah Edwards to sell a certain town lot, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill from the House of Representatives entitled an act making appropriation for the payment of the members and officers of the present General Assembly, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the third time forthwith and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act better to provide for the erection of the University buildings and for other purposes, was read the second time, and ordered to lie on the table till to-morrow.

A bill to be entitled an act to provide for the compensation of jurors, was taken from the table and ordered to be engrossed for a third reading to-morrow.

Ordered, that the bill to be entitled an act to establish La Grange College, together with the amendments proposed thereto, lie on the table.

Joint resolutions instructing the comptroller of public accounts not to institute suit against the securities of Benjamin Baldwin, were read the second time and ordered to be engrossed for a third reading to-morrow.

The Senate resumed the consideration of the bill entitled an act to secure to feme covert their estates, together with the amendments proposed thereto by the special committee to which the bill was referred. Mr Hubbard moved to strike from the bill all after the enacting clause and to substitute the following: "that whenever the parent or next friend of any feme covert shall believe that her husband from any cause is incompetent to take care of his estate then and in that case it shall be lawful for such parent or next friend to apply to the clerk of the county court of the proper county to cause the estate of every description whatsoever of such incompetent person to be recorded in said court, which estate shall not be liable to the payment of any debts thereafter contracted by the husband of said feme covert, which was lost. Yeas 7—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are Messrs Crawford, Edmondson, Evans, Hubbard, Merriwether, Moore and Vining.

Those who voted in the negative are Mr President, Abercrombie, Conner, Garth, Hogan, Irwin, Jackson, Perry, Pickett, Smith, Walthall, Watkins and Wood.

Mr Pickett moved to amend the amendment proposed by the committee, by striking therefrom the following, "and be it further enacted, that the husband may sell and dispose of the property of his wife with her assent freely given in open court, before the circuit court of the county where such property describing the same shall be on the certificate of the judge of said court; that such her assent was not made by the threats, constraints or coercion of her husband, or any other person," which was lost. Mr Pickett then moved that the further consideration of the bill be indefinitely postponed, which was lost. Yeas 10—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are messrs Crawford, Edmondson, Evans, Hubbard, Irwin, Merriwether, Moore, Pickett, Vining and Walthall.

Those who voted in the negative are Mr President, Abercrombie, Conner, Garth, Hogan, Jackson, Perry, Smith, Watkins and Wood.

Ordered, that the bill together with the proposed amendments lie on the table till to-morrow.

Mr Vining, from the joint committee on enrolled bills, reported as correctly enrolled an act to authorize the administrators of the estate of Thomas C. Bradford; late of St Clair county deceased to sell the real estate, which belonged to said deceased, which was accordingly signed by mr President.

Mr Abercrombie, from the joint committee elected to investigate the conduct of the late land commissioners, reported that the committee have been some time engaged in the discharge of their duties and that they had instructed him to report the following resolution: *Resolved*, that this committee report to the two houses of the legislature that it will not be practicable for the committee to close their examination and make report so as to afford time for legislation, should any be esteemed necessary, before the period appointed by law for re-opening the land office; they therefore respectfully suggest the propriety of continuing the office closed until the end of the present session, which measure need not in the end prejudice the occupants, as their time of entry would be prolonged, of course, accordingly. On motion of mr Crawford, *ordered*, that the resolution lie on the table.

The Senate resumed the consideration of the bill entitled an act to authorize the register of the land office at Courtland to correct certain errors in the return of the land commissioners; the bill being amended on Mr Hubbard's motion, Mr Vining moved that it be committed to a special committee, which was lost. The bill was then read the third time and passed. *Ordered*, that the title be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Wednesday, December 23, 1829.

The Senate met pursuant to adjournment.

Mr Perry, from the judiciary committee to which was referred a bill to be entitled an act to regulate certain proceedings of county courts, reported the same without amendment. *Ordered*, that the bill be engrossed for a third reading on to-morrow.

Mr Crawford from the committee on education to which was referred a resolution instructing them to inquire into the expediency of setting apart a portion of the university fund, or a portion of the interest thereof, for the education of the poor and indigent of this state, reported that they have had the subject under their consideration, and that in their opinion, the the board of trustees now possess the power to appropriate a part of their income fund for the purposes above specified, if they should deem it expedient; and they are of opinion that the setting apart by law a portion of their income fund for the education of the poor and indigent, would have an unhappy effect by creating a distinction between charity students and those who would enter the university in the usual manner. They are therefore of opinion that it is inexpedient now to legislate upon the subject. Mr Perry moved that the report lie on the table, which was carried.

Mr Crawford, from the same committee to which was referred a resolution instructing them to inquire into the expediency of dividing the university fund, and of establishing one or more colleges or branches of said institution in different parts of the state, so as to afford the greatest facilities for education, reported that they had the subject under consideration, and that in viewing this subject solely as a measure of expediency they they are of opinion that the facilities of obtaining a useful education by all classes of the community would be increased by the establishment of one or more colleges or branches of the state university in different parts of the state, and the importance of disseminating the advantages of education generally throughout a community, where the virtue and intelligence of the people is considered as constituting a portion of their social happiness, cannot be too highly appreciated. Passing from the expediency of the measure, the committee have in the next place inquired into the power of the General Assembly to divide the university fund, and after an examination of the act of Congress providing for the admission of Alabama into the Union, and of our state constitution, the committee are of opinion that the said act of Congress taken in connexion with that clause of the constitution which declares that the monies which may be raised from such lands as have been granted by the United States to this state for the support of a *seminary of learning*, shall be and remain a fund for the exclusive support of a *state university*, does preclude the legislature from dividing the university funds in the manner proposed by the resolution. Mr Perry moved that the resolution lie on the table till Tuesday next, which was carried.

Mr Moore, from the joint committee on enrolled bills, reported as correctly enrolled the bills which originated in the House of Representatives of the following titles, viz: An act to alter the name of Lazarus Maddux, to

that of Leigh Maddux; an act to authorize William Johnson, sen. to make titles to lots sold by the commissioners of the town of Pickens in Pickens county; an act making an appropriation for the payment of the members and officers of the General Assembly, which were accordingly signed by mr President.

Mr Jackson, from the special committee to which was referred a resolution from the House of Representative requiring the joint committee elected to examine into the situation and management of the State Bank to ascertain and report to the two Houses of the General Assembly what amount of bills of exchange have been discounted, and what amount of damages has been received upon bills of exchange not punctually paid during each year since the establishment of the Bank, reported the same without amendment, and on motion of mr Jackson the said joint resolution was concurred in. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Morton, availed himself of his constitutional privilege to have the following document entered upon the journals of the Senate, viz :

The undersigned who voted in the minority upon a resolution in the Senate for the purpose of voting thanks to the late Governor of this state avails himself of his constitutional right of spreading upon the journals of this House the reasons which influenced his vote. The undersigned has always believed that the supreme executive officer of the state, should at all times sustain the character that appropriately belongs to the head of the Government, and should evince no other than a zealous disposition by all constitutional means to promote the prosperity of the people, and whenever he descends from the dignity of his station, and personates the character of a leader of a party or a public accuser of the subordinate agents and functionaries of the Government, it cannot but be regarded as an unfortunate and invidious departure from his solemn and responsible duties. The undersigned will frankly confess, that although a want of energy marked every period of his administration, yet in all personal intercourse he was characterized by a pleasing and conciliating deportment; and he cannot but regret to state, that too many evidences are afforded in his public administration to authorize the suspicion that an overwhelming love of popularity seemed at all times to deter him from pursuing that frank and manly policy, that has for its object alone the advancement of the public good. It will be recollected that the Congress of the United States, at its session before the last, granted to this state a large portion of the public domain for the purposes of internal improvement. Although the object of the grant was clearly specified, yet the manner of disposing of it was left to the discretion of the state.

In the exercise of this discretion, the representatives of the people, deprecating the auction system and well aware of its evil consequences, resolved to give to the occupant settler the privilege of entering the lands which he had improved, at such price as the commissioners, appointed by themselves, should declare to be its value. In the disposal of those lands many of the most worthy and valuable citizens in the northern part of the state, were deeply interested. The commissioners, as appointed, speedily repaired to their station, and entered upon the discharge of their duties. With the law under which they were appointed before them, they pursued their labors until they were terminated; fully understanding, as they humbly believed, all that was required of them. After all this, they were met by the late Governor in his communication to the General Assembly, with the charge of either folly or knavery; for disguise that portion of his communication as he will, it amounts to nothing less. By means of this

communication and the weight which executive recommendations always have, the reputation of the commissioners was assailed, and when called upon for the proofs in his possession upon which the charge was founded, he furnished none except the letters of one of the commissioners charging a departure from duty upon two out of the remaining eleven associates with him, and the malignant slanders of a dis-satisfied and partisan editor of a newspaper, from data like *this*, could the late Governor, consistently with that magnanimity which should be an ingredient in the character of the Governor of a state, be justified in assailing the reputation of other officers of Government. But the injury resulting from this act of his administration, does not stop here; the rights of a large portion of our fellow citizens were materially affected by a legislative enactment, which grew out of that communication, by which the doors of the land office, opened for the purpose of entering their lands, were closed against them, and, as the undersigned fears, closed forever. The undersigned has the honor to represent a portion of that people whose rights have been thus affected, and whose homes have been jeopardised. How then, he would ask, could he correctly with the duty which he owes his constituents and his own feelings, vote for a resolution of *unqualified approbation* of the official conduct of such a Governor.

Q. MORTON.

Mr Smith, from the committee appointed on the part of the Senate to act jointly with such committee as might be appointed on the part of the House of Representatives to receive the returns of sheriffs and count the votes given in the different counties of the state, on the first Monday in August last, on the proposed amendment to the constitution of the state of Alabama, limiting the tenure of the judges' office, reported that they had performed that duty, and asked leave respectfully to submit an abstract thereof, which is as follows, viz:

Counties.	Silent	Nays.	Yeas.	Counties.	Silent	Nays.	Yeas.
Jackson	75	342	1298	Perry	22	89	939
Madison	231	1335	1057	Bibb	23	155	679
Limestone	178	654	554	Autauga	17	19	933
Lauderdale	109	360	909	Montgomery	"	73	1393
Morgan	93	330	528	Dallas	13	64	1279
Blount		44	620	Wilcox	14	36	748
St. Clair	17	23	682	Monroe	55	90	576
Lawrence	99	332	931	Conecuh	11	26	686
Franklin	29	582	521	Henry		14	499
Marion	5	115	423	Butler		37	672
Tuscaloosa	114	835	538	Clarke	29	79	568
Shelby	20	59	610	Washington	7	50	219
Jefferson	34	189	627	Baldwin	4	20	192
Pickens	14	84	691	Mobile	103	208	385
Walker	13	27	126	Covington		1	158
Fayette	24	109	468	Pike	11	4	841
Greene	50	251	1086	Dale*	42	5	170
Marengo		283	463	Total.	1466	6925	23199

*Yeas and Nays not being taken at one precinct all are marked to the number of 42 silent, 5 nays and 170 yeas.

NEAL SMITH, *Chairman of committee on part of the Senate.*

By this abstract of the votes given in all the counties in the state voting for Representatives, it satisfactorily appears to your committee that there were 23,199 votes given for the amendment, 6,925 against it, 1,466

silent votes, leaving a majority of 14 708 votes in favor of the amendment. From an examination of the original returns in the Secretary of State's office, the committee believe the same to have been legally and constitutionally made; they therefore recommend that it is now expedient to proceed to the ratification of said proposed amendment.

On motion of Mr Perry it was ordered that the engrossed bill to be entitled an act to establish the permanent seat of justice in Dale county, be referred to a special committee, whereupon messrs Perry, Irwin and Hubbard were appointed said committee.

The engrossed bill to be entitled an act to change the name of Henry Dudley, was read the third time and passed. *Ordered*, that the title be as aforesaid and that the bill be sent to the House of Representatives for their concurrence.

Mr Perry, from the special committee to whom was referred the engrossed bill to be entitled an act to establish the permanent seat of justice in Dale county, reported the same as amended, in which amendment the Senate concurred. The bill was then read the third time and passed. *Ordered*, that the title be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

The engrossed joint resolution instructing the comptroller of public accounts not to institute suit against the securities of Benjamin Baldwin, was read the third time and passed. *Ordered*, that the title be as aforesaid and that the same be sent to the House of Representatives for their concurrence.

Mr Pickett offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire, whether, consistent with constitution of the state of Alabama any other mode of removing a judge of the county court from office for malpractice or incompetency than that of impeachment or address, can be devised; and in case they should entertain the affirmative opinion, they are hereby instructed to report a bill to create such tribunal, which was adopted.

Engrossed joint resolutions, proposing amendments to the constitution of the state of Alabama, so as to limit the tenure of the judges' office to six years, were taken up. The question was put: Shall the resolution pass, and the proposed amendments to the constitution be ratified? and was decided in the affirmative. Yeas 17—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Conner, Crawford, Evans, Garth, Hogan, Hubbard, Irwin, Jackson, Merriweather, Moore, Perry, Pickett, Smith, Walthall, Watkins and Wood.

Those who voted in the negative are Mr President, Edmondson, Morton, and Vining.

The resolutions having received a constitutional majority of votes, voted by yeas and nays, Mr President declared that the same had duly and constitutionally passed the Senate. *Ordered*, that the title be as aforesaid and that same be sent to the House of Representatives for their concurrence.

Mr Hogan, from the committee which was appointed to examine the books and papers of the comptroller's office, reported, that they have attended to the duties assigned them, but as that office has not been examined by a committee since the organization of the state government (ten years,) the committee found it would be impossible for them to wade through the mass of vouchers and books during the last session of the legislature; they therefore took up the transactions of the last year, and found his books and statements correct, and in accordance with his annual report; and from the examination given the office, your committee feel well assured that every thing appertaining to the same, will be found correct. They would suggest to the legislature the propriety of an annual examination of

that office, inasmuch as it is alike due to that officer and to the people we represent. The committee beg leave to be discharged from the further consideration of the same, which report was concurred in, and the said committee discharged.

Mr Moore, from the special committee to which was referred a joint memorial to the Congress of the U. S., praying a postponement of the sales of the public lands in the county of Jackson, reported the same without amendment. *Ordered*, that the memorial be read a third time on to-morrow.

Engrossed bill to be entitled an act to incorporate the stockholders and subscribers to the newly invented marine railway in the city of Mobile under the Roger's patent, was read the third time and laid on the table till to-morrow.

A bill to be entitled an act better to provide for the erection of the university buildings, and for other purposes, was read the second time. Mr Jackson then moved to strike out the second section of the bill which is in these words: Section 2. *And be it further enacted*, that the trustees of the university, be, and they are hereby authorized and empowered to procure the services of some competent architect to superintend the erection of the university buildings under the direction of the board of trustees and to pay him such compensation for his services as they may deem reasonable and just, not exceeding———dollars per annum, which was lost. Yeas 5—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Conner, Jackson, Perry, and Walthall.

Those who voted in the negative are Mr President, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, Merriwether, Moore, Morton, Smith, Vining, Watkins and Wood.

The bill was then ordered to be engrossed for a third reading on to-morrow.

The Senate resumed the consideration of the bill to be entitled an act to secure to femes covert their estates. The amendments proposed by the special committee were concurred in. Mr Garth offered the following amendment to the bill by way of additional section, as follows, "*And be it further enacted*, that if the General Assembly should repeal this act within five years all rights and titles under the act thus repealed shall cease and no title under this law shall be available when this act is repealed," which was rejected. Mr Irwin then offered the following amendment to the bill, to wit: "*Provided*, clerks of the county court of the proper county wherever any property or estate is recorded as belonging to femes covert, under the 1st and 2d sections of this act shall fail to post up a list of all such property at the court house door of said county within———days after the same has been recorded, and any clerk failing to perform his duty shall be liable to pay such femes covert all damages by them sustained by reason of this failure, to be recovered by action on the case in the name of husband and wife or the survivor," which was rejected. The bill was then considered as engrossed, and was read the third time, and the question being put, 'shall this bill pass?' it was determined in the negative. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Garth, Hogan, Jackson, Morton, Perry, Smith, Watkins and Wood.——Those who voted in the negative are Messrs Conner, Crawford, Edmondson, Evans, Hubbard, Irwin, Merriwether, Moore, Pickett, Vining, Walthall.

Engrossed bill to be entitled an act to authorize Sarah Edwards to sell a certain town lot therein mentioned, was read a third time and passed. *Ordered*, that the title be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act to provide for the compensation of jurors, was laid on the table.

Engrossed bill to be entitled an act to exempt garnishees from the payment of costs in certain cases, was read a third time and passed. *Ordered*, that the title be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

And then the Senate adjourned till to-morrow at 10 o'clock.

Thursday, December 24, 1829.

The Senate met pursuant to adjournment.

Mr Moore presented the petition of sundry inhabitants of Jackson county, praying the passage of a law making further provisions for allowing each head of a family to retain a horse to make crops, exempt from execution; which was read and referred to the committee on propositions and grievances.

Mr Hogan presented the petition of sundry citizens of Mobile, praying the passage of a law providing for the appointment and regulation of pilots for the navigation of the Tombigbee and Alabama rivers and their tributary streams: which was read and referred to a special committee, consisting of messrs Hogan, Watkins and Perry.

Mr Hubbard, from the special committee to which was referred the engrossed bill to be entitled an act to authorize Henry Lucas and others to turnpike a road therein named, reported the same with the following amendments, viz: Strike out the *judge of the county court of Montgomery county* whenever it occurs in the bill, and insert in lieu thereof, *the court of the commissioners of revenue and roads for Montgomery and Autauga counties*; also, to strike out the fourth section of the bill and insert in lieu thereof two additional sections, in the following words: Section 4. *And be it further enacted*, that the commissioners' court of revenue and roads for the counties of Montgomery and Autauga shall each of them appoint a skilful and competent person as commissioner, whose duty it shall be to examine said road at least once in every nine months after the putting up a gate or gates, and report the condition of said road, or any section of the same, and if they shall report the same or any part to be out of repair to the said commissioners' court, then the said courts or either of them shall cause the gate or gates to be opened, and no toll shall thereafter be received on the part of said road out of repair so long as it is permitted so to continue, and the said commissioners shall be entitled to pay, from said Henry Lucas, Thomas Brown and Walter B. Lucas, at the rate of two dollars per day each, for the time they respectively are employed in performing their duties. Section 5. *And be it further enacted*, that the United States mail contractor shall not be liable to pay a toll for the four years next ensuing the date hereof, which shall exceed one hundred dollars per annum. And it shall moreover be the duty of said Henry, Thomas, and Walter B. and their heirs and successors to cause the first section of said road to be put in good repair within twelve months after the passage of this act, the second section within two years, and the third section within three years, and after either of said sections have been completed the same shall not be permitted to continue out of repair for nine months at any one time after the said commissioners have so reported; and if the said Henry Lucas, Thomas Brown and Walter B. Lucas shall neglect to perform any of the duties required by this section of this act the said charter shall be forfeited and thereafter be null and void." Which amendments were, on motion of Mr Hubbard severally concurred in. Mr Smith offered the following amendment to the bill as an additional section: *And be it further enacted*, that nothing contained in the provisions of this act shall be so construed as in any manner to

interfere with the present road on which the United States mail is carried from Fort Mitchell by Lue Creek to the town of Montgomery, which was read. Mr Perry then moved to lay the bill and the amendments on the table till Tuesday next, which was carried. Mr Irwin who voted yesterday in the majority moved to reconsider the vote taken on the engrossed bill to be entitled an act to secure to fernes coverts their estates, by which said bill was rejected, which was carried. Yeas 10—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Conner, Hogan, Irwin, Jackson, Perry, Smith, Watkins, and Wood.—Those who voted in the negative are, Messrs Crawford, Edmondson, Garth, Hubbard, Moore, Pickett, and Vining.

Mr Perrey then moved that the bill be referred to a special committee, which was carried, whereupon messrs Jackson, Irwin and Pickett were appointed said committee.

Mr Smith offered a bill to be entitled an act to extend the limits of Monroe county, and to designate the dividing line between the counties of Monroe and Clarke; which was read a first time, and ordered to be read a second time on Monday next.

Mr Jackson obtained leave to introduce a bill to be entitled an act further to provide for the support of paupers in the county of Lauderdale; which was read a first time, and ordered to be read a second time on Monday next.

A message from the House of Representatives by mr Van Dyke, their assistant clerk: Mr President—The House of Representatives concur in the amendment made by your honorable body to the joint resolution, asking the establishment of a land office at Bellefonte. And then he withdrew.

And then the Senate adjourned till Monday morning at 10 o'clock.

Monday, December 28, 1829.

The Senate met pursuant to adjournment.

Mr Jackson presented the petition of sundry inhabitants of Tuscaloosa county, living north of the river, praying the establishment of a public road leading from Main street at the crossing of the first street east of the Capitol, and running west of north, so as to meet a road at the margin of old town at the line between new and old town; which was read and referred to the committee on roads, bridges and ferries.

Mr Vining, from the joint committee on enrolled bills, reported as correctly enrolled an act to repeal in part and amend an act entitled an act to establish and improve a certain road therein mentioned, approved Jan. 13, 1829; an act to change the mode of compensating jurors in the county of Pike; joint resolution asking the establishment of a land office in Bellefonte; joint memorial asking a donation of land, to connect by canal the waters of the Tennessee and Coosa rivers; an act to authorize John A. Chapman, Simeon Chapman, Daniel Welch, and their associates, to turnpike a certain road therein named; an act concerning the dismissal of suits at common law; and, an act to legalize the rites of matrimony between Gabriel Butler and Mary Littrell, of the county of Lauderdale and state of Alabama, and render legitimate their children. All of which were accordingly signed by mr President.

A message from the House of Representatives by mr Tunstall: Mr President—The House of Representatives disagree to the amendments made by your honorable body to the bill making appropriation for the payment of certain claims against the state of Alabama. They have read three several times and passed bills which originated in the House of Reps. entitled an act to regulate proceedings in certain actions of detinue; an act amendatory of the laws of this state on the subject of confining prisoners committed

upon process from the courts of the United States: in which they desire the concurrence of the Senate. They have also adopted memorials of the following titles, to wit: joint memorial concerning fortifications on Dauphin Island; and joint memorial praying a relinquishment of claims to certain lands, for the purpose of establishing primary schools in the several counties of this state: in which they also desire the concurrence of the Senate. They have postponed indefinitely the resolution from the Senate, proposing a dissolution of the joint committee appointed to examine and count the votes given for and against the amendment to the constitution, providing for the alteration of the time the judges shall continue in office. They have read a third time and passed a bill which originated in the Senate, entitled an act to authorize the register of the land office at Courtland to correct certain errors in the return of the land commissioners.

Mr Hogan moved that the Senate recede from their amendment to the bill entitled an act making appropriation for the payment of certain claims against the state of Alabama, by striking out *five hundred dollars*, the amount appropriated to Henry Minor for seventy five copies of the Reports of the decisions of the supreme court of this state, and by inserting *three hundred and fifty*; which was lost. Yeas 9—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Crawford, Hogan, Moore, Morton, Perry, Smith and Watkins.

Those who voted in the negative are Messrs Conner, Edmondson, Evans, Garth, Hubbard, Jackson, Merriwether, Pickett and Vining.

Ordered, that the bill and amendment lie on the table till to-morrow.

Bills from the House of Representatives entitled an act to regulate proceedings in certain actions of detinue; an act amendatory of the laws of this state on the subject of confining prisoners committed upon process from the courts of the United States; a joint memorial concerning fortifications on Dauphin Island; and a joint memorial praying a relinquishment of claims to certain lands for the purpose of establishing primary schools in the several counties of this state,—were severally read the first time and ordered to a second reading to-morrow.

On motion of Mr Jackson, the bill to be entitled an act to establish the College of La Grange, was taken up for consideration. Mr Jackson moved that the Senate concur in the amendments proposed by the special committee by striking out the tenth and eleventh sections which are as follows: Section 10. *And be it further enacted*, that whenever a vacancy shall occur in the board of trustees either by death, resignation and otherwise, it shall be supplied as follows: the acting trustees shall make a temporary appointment which shall continue in force until the next session of the Tennessee and Mississippi conferences of the Methodist Episcopal Church, after the occurrence of the vacancy. If said conferences at the next session shall sanction such temporary appointment, then the individual recommended to them shall be considered duly authorized to continue to act as trustee of the college; but if the conference should refuse such sanction, then and in that case, the existing vacancy shall be filled by either of the said conferences.

Sec. 11. *And be it further enacted*, that all the necessary and customary officers of the said institution shall be appointed in the following manner: when the board of trustees shall have selected any individual for the presidency or professorship of the said college, they shall, without delay, recommend such person to the Tennessee and Mississippi conferences as suitable for that station; and if the recommendation thus made shall be approved by said conferences, the individual proposed shall be considered duly authorized to continue in the discharge of powers and duty connected with the

station for which he shall have been recommended. But if the conferences refuse their assent to such selection, the individual so selected and recommended, shall forthwith cease to have any connexion with the said college, and the trustees shall again select and recommend as before pointed out; and by substituting in lieu thereof the following: Sec. 10. *And be it further enacted*, that whenever any vacancy shall occur in the board of trustees, either by death resignation or otherwise, such vacancy shall be filled by a majority of the remaining trustees.

Sec. 11. *And be it further enacted*, that all necessary and customary officers of said institution, shall be appointed by a majority of the board of trustees, which motion was carried. Yeas 15—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hubbard, Jackson, Merriwether, Moore, Perry, Pickett Smith, Vining and Watkins.

Those who voted in the negative are, Mr President, Hogan, and Morton.

The remainder of the amendments proposed by the committee to the bill were severally concurred in, and the bill ordered to be engrossed for a third reading to-morrow.

Mr Morton offered the following resolution: *Resolved*, that the committee on county boundaries be instructed to inquire into the expediency of dividing the county of Franklin, with leave to report by bill or otherwise, which was adopted.

Mr Hogan introduced a bill to be entitled an act to repeal in part an act approved, January 13th, 1828, and for other purposes, which was read and ordered to a second reading to-morrow.

Mr Hogan, from the special committee to which was referred a petition on the subject, reported a bill to be entitled an act to provide for the appointment of pilots on the Alabama and Tombbeckbe rivers and their tributary waters, which was read and ordered to a second reading to-morrow.

A bill to be entitled an act further to provide for the support of paupers in the county of Lauderdale, was read the second time. Mr Hubbard moved to amend the bill by adding the words "and Lawrence." which was carried. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

A bill to be entitled an act to extend the limits of Monroe county, and to designate the dividing line between the counties of Monroe and Clarke, was read the second time and referred to the committee on county boundaries, to consider and report thereon.

Engrossed joint memorial to the Congress of the United States, praying a postponement of the sales of the public lands in the county of Jackson, was read the third time and passed. *Ordered*, that it be sent to the House of Representatives for their concurrence.

Mr Pickett gave notice that he would on to-morrow, move the adoption of the following resolution: *Resolved*, with the concurrence of the House of Representatives, that the rules of both branches of the legislature be so altered that when a bill is read the first time in the house in which it originated, it shall be forthwith sent to the other house, and when read there the first time and ordered to a second reading, it shall be forthwith sent back to the house in which it originated, and if read there a second time and passed to a third reading, it shall be sent to the other house, and if read there a second time and passed to a third reading, it shall be sent back to the house in which it originated, where it shall be proper to order the bill to be engrossed and read a third time, and if read a third time and passed, it shall be forthwith sent to the other house for a third reading, and if there read a

third time and passed, it shall be sent to the house where such bill may have originated, to be there enrolled.

An engrossed bill to be entitled an act to regulate certain proceedings of the county courts, was read the third time and laid on the table.

An engrossed bill to be entitled an act better to provide for the erection of the University buildings and for other purposes, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to House of Representatives for their concurrence.

An engrossed bill to be entitled an act to incorporate the stockholders and subscribers to the newly invented marine railway in the city of Mobile, under the Rogers' patent, was taken up. On motion of Mr Hubbard, ordered, that the bill be committed to a special committee, whereupon messrs Hubbard, Jackson and Hogan were appointed the committee.

Mr Hogan called up the bill to be entitled an act for the relief of Joseph Steele taxcollector of Mobile county. The question was then put, shall the bill pass? and decided in the affirmative. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Jackson, from the special committee to which was referred a bill to be entitled an act changing the time of holding elections for county officers, reported the same as amended, which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr President presented to the Senate the annual report of the Adjutant General of this State accompanied by the following communication from that officer.

ADJUTANT GENERAL'S OFFICE *December 26, 1829.*

Hon. Levin Powell president of the Senate, and members of the same.

Sirs—In submitting this return the undersigned has to deplore the inexcusable and culpable neglect which prevails among the returning officers, causing the return of the Adjutant General to be vastly deficient as will be perceived by reference thereto. Without adverting to the confusion which would prevail in the event of a war, arising from an utter ignorance of the actual strength and condition of the militia; the loss of arms annually to the State is a consideration sufficiently important in the opinion of the undersigned to call from the Legislature some interposition by which punctuality in the returning officers may be had and the rights of the State be thereby secured. I here will beg leave to mention that the actual loss that the State will sustain the present year will not buy less than \$1000 worth of arms, &c. I further beg leave to recommend to your serious consideration, a bill now under consideration, by the military committee of the House of Representatives, that has for its object many salutary alterations of the militia law. The undersigned has submitted to his Excellency a similar as proposed by said committee, he being the proper constitutional organ through which to communicate, and I trust will not only meet his approbation, but upon his recommendation will receive the sanction of the Legislature. I have the honor of being, &c.

J. G. CARROLL.

Ordered, that the communication be referred to the military committee. And then the Senate adjourned till to-morrow morning at 10 o'clock.

Tuesday, December 29, 1829.

The Senate met pursuant to adjournment.

Mr Crawford presented the petition of sundry inhabitants of Bibb county, praying the passage of a law providing for the location of the seat of justice for said county, at or within one mile of the centre thereof; which was read and referred to the committee on propositions and grievances.

Mr Evans presented the petition of Elizabeth Bones, sen'r, and Burwell B. Bennett, guardians of Sarah M. Bones, John Bones, and Sam'l Bones, minor heirs of Samuel Bones, dec. praying authority to sell certain real estate; which was read and referred to a special committee, consisting of Messrs Evans, Walthall and Conner.

Mr Perry, from the special committee to which was referred the petition of Joseph Deruy, reported a bill to be entitled an act to authorize Joseph Deruy to open a road, and establish a ferry in the county of Dallas; which was read and ordered to a second reading to-morrow.

Mr Morton presented the petition of Edmond Prince, of Franklin county, stating that in 1827, he purchased an occupancy to a certain tract of relinquished land, and made considerable improvements thereon, and that the same has been since selected as University land; and praying compensation for the loss and injury sustained thereby; which was read and referred to the committee on propositions and grievances.

Mr Moore, from the joint committee on enrolled bills, reported as correctly enrolled an act to authorize the register of the land office at Courtland to correct certain errors in the return of the land commissioners; which was accordingly signed by our President.

Mr Hogan offered the following resolution: *Resolved*, that the comptroller of public accounts furnish for the information of the Senate the amount of taxes paid by the auctioneers of the city of Mobile for the years 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828 and 1829, setting forth the name of each auctioneer and the amount paid by the same, and to whom paid; which was adopted.

Mr Garth called up the bill to be entitled an act to reduce the price of public lands in the counties of Madison and Morgan, to the price of like lands in other counties. *Ordered*, that the bill be committed to a special committee; whereupon messrs Garth, Crawford and Abercrombie were appointed.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives have read three several times and passed a bill, which originated in their House, entitled an act to provide for drawing and compensating jurors to attend on the county courts of Franklin, Morgan and Lawrence counties, and for other purposes: in which they desire the concurrence of the Senate. They have also adopted resolutions of the following titles: joint resolution to procure a topographic survey by the engineers of the United States, of a route for a canal to unite the waters of the Tennessee and Tombecbe rivers, so far as to ascertain the practicability of such a work; and joint resolution in relation to the Cherokee boundary, in which they also desire your concurrence.

The bill and joint resolutions, mentioned in the foregoing message, were severally read a first time, and ordered to a second reading to-morrow.

The Senate took up for consideration the resolution proposed yesterday by mr Pickett in regard to an alteration of the rules of both houses of the Legislature therein mentioned. The question being put on the adoption of the resolution it was decided in the affirmative. *Ordered*, that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act further to provide for the support of paupers in the counties of Lauderdale and Lawrence, was read the third time. Mr Morton moved to amend the bill by way of rider by adding the words "and Franklin," which was carried. The question was then put, shall the bill pass? and decided in the affirmative. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to provide for the appointment of pilots on the

Alabama and Tombigbee rivers, and their tributary waters, was read a second time and referred to a special committee consisting of messrs Evans, Hogan and Merriwether to consider and report thereon.

An engrossed bill to be entitled an act to establish La Grange college, was read the third time, and the question being put, shall the bill pass? it was decided in the affirmative. *Ordered*, that the title of bill be as aforesaid, and that it be sent to the House for their concurrence.

A bill to be entitled an act to repeal in part an act approved 13th January 1828, and for other purposes, was read a second time and ordered to be engrossed for a third reading to morrow.

An engrossed bill to be entitled an act changing the time for holding elections for county officers, &c., was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid and that it be sent to the House of Representatives for their concurrence.

The Senate took up the bill entitled an act making appropriation for the payment of certain claims against the state of Alabama. Mr Jackson moved that the Senate insist on their amendment to the bill by striking out "five hundred," the amount appropriated to Henry Minor for seventy-five copies of the decisions of the supreme court of this State, and by inserting in lieu thereof "three hundred and fifty dollars," which was lost. Yeas 9—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Messrs Conner, Edmondson, Evans, Garth, Hubbard, Irwin, Jackson, Pickett and Vining.

Those who voted in the negative are Mr President, Abercrombie, Crawford, Hogan, Merriwether, Moore, Morton, Perry, Smith and Watkins.

Ordered, that the Senate recede from their amendment to the bill, and that the secretary acquaint the House of Representatives therewith.

Joint memorial praying a relinquishment of claim to certain lands for the purpose of establishing primary schools in the several counties of this State, was read a second time and ordered to lie on the table till to morrow.

Joint memorial concerning fortifications on Dauphin Island, was read the second time and referred to a special committee consisting of messrs Hogan, Perry and Watkins.

An engrossed bill to be entitled an act to authorize Henry Lucas and others to turnpike a road therein named, was read the third time, the question was put on the adoption of the following amendment offered by Mr Smith to the bill: "*And be it further enacted*, that nothing contained in the provisions of this act shall be so construed as in any manner to interfere with the present road on which the United States' mail is carried from Fort Mitchell by Line Creek to the town of Montgomery," and decided in the negative. Yeas 8—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are Messrs Evans, Hogan, Merriwether, Moore, Perry, Pickett, Smith, and Watkins.

Those who voted in the negative are Mr President, Abercrombie, Crawford, Edmondson, Garth, Hubbard, Irwin, Jackson, Morton, Vining and Walthall.

Mr Hogan offered the following amendment to the bill by way of rider: "*And provided*, that the United States troops and militia of this or any other State shall pass at all times free of expense over said road," which was read three several times and adopted. Mr Abercrombie moved to fill the blank in the bill where it relates to the period of time during which the privilege of charging toll shall continue, with "fifteen years," which was lost. Yeas 3—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Jackson and Morton.—Those who voted in the negative are Mr President, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, Merriwether, Moore, Perry, Pickett, Smith, Vining, Walthall and Watkins.

Mr Hubbard moved to fill the blank with *twelve years*, as the timed uring which the right to receive toll shall continue, which was lost. Yeas 9—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Conner, Garth, Hubbard, Irwin, Jackson, Morton, and Walthall.

Those who voted in the negative are Messrs Crawford, Edmondson, Evans, Hogan, Merriwether, Moore, Perry, Pickett, Smith Vining and Watkins.

Mr Hubbard then moved to fill the blank with ten years, which was carried. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Conner, Crawford, Garth, Hubbard, Irwin, Jackson, Merriwether, Morton and Walthall.

Those who voted in the negative are Messrs Edmondson, Evans, Hogan, Moore, Perry, Pickett, Smith, Vining and Watkins.

The question was then put, Shall the bill pass? and determined in the negative. Yeas 10—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Conner, Crawford, Edmondson, Hubbard, Irwin, Jackson, Morton, and Walthall.

Those who voted in the negative are Messrs Evans, Garth, Hogan, Merriwether, Moore, Perry, Pickett, Smith, Vining, and Watkins.

Mr Pickett called up the engrossed joint resolution proposing an amendment to the constitution of the state of Alabama, so as to limit the sessions of the General Assembly thereof. Mr Morton moved that the resolution lie on the table till the first day of May next, which was lost. Yeas 3—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, and Morton — Those who voted in the negative are Messrs Conner, Crawford, Evans, Garth, Hogan, Hubbard, Irwin, Jackson, Merriwether, Moore, Perry, Pickett, Smith, Vining, Walthall, and Watkins.

Mr Moore moved to fill the blank in the resolution with *seventy five days* as the longest time the legislature shall remain in session, at any one session, which was lost. Yeas 3.—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Moore, Morton — Those who voted in the negative are messrs Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, Jackson, Merriwether, Perry, Pickett, Smith, Vining, Walthall and Watkins.

Mr Pickett moved to fill the blank with 'forty five days,' which was lost, Yeas 3—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are Messrs Conner, Crawford, Garth, Perry, Pickett, Smith, Walthall and Watkins. — Those who voted in the negative are Mr President, Abercrombie, Edmondson, Evans, Hogan, Hubbard, Irwin, Jackson, Merriwether, Moore, Morton and Vining.

Mr Smith moved to fill the blank with *forty-two days* which was carried, Yeas 11—Nays 9.

The yeas and nays being desired those who voted in the affirmative are messrs Conner, Crawford, Evans, Garth, Irwin, Merriwether, Perry, Pickett, Smith, Walthall and Watkins. — Those who voted in the negative are Mr President, Abercrombie, Edmondson, Hogan, Hubbard, Jackson, Moore, Morton and Vining.

Ordered, that the resolution lie on the table.

A bill to be entitled an act amendatory of the laws of this state on the subject of confining prisoners committed upon process from the courts of the United States, was read the second time and referred to the committee on the judiciary.

A communication, in writing, was received from the Governor, by James I. Thornton, Secretary of State, which was read and is as follows:

Hon. President and Members of the Senate :

I herewith transmit to your honorable body the annual report of the Adjutant General, exhibiting the strength and condition of the militia, accompanied by an appropriate communication from that officer setting forth substantial defects in the militia laws, the failure of certain general officers to comply with important objects of their duty, &c. Among many ill consequences resulting from these irregularities, is the serious loss the state has sustained, in the great deduction of her just proportion of the quota of arms, provided for her militia by an act of the Congress of the United States. That many defects exist in our militia laws, which deserve your attention will not be doubted ; a few of the most prominent only, has been sought to be pointed out by this communication. Among the remedies which may present themselves, as being well calculated to render our militia more effectual, I would respectfully recommend amendments as being the most desirable, which promise to prove best calculated to insure punctuality in those officers, whose duty it may be to make returns of the military strength, and condition of the militia ; for, I regret to say, as the system is conducted at present, we subject ourselves to all the expense and taxation connected with a laborious militia system, without deriving any important benefit from it. I am clearly of opinion, company musters may with great propriety be dispensed with, whether the alternative be resorted to, recommended by the Adjutant General or not, being well convinced they afford no equivalent for the time and money sacrificed in their attendance. Should no important modification be made in the militia system, I would in that event most respectfully recommend for your consideration, the propriety of an increase of the salary of the Adjutant General ; to me it is obvious that the present salary allowed that officer is, not only inadequate for the services required, but greatly disproportioned to the salaries given other important state officers.

The accompanying address subscribed by sundry citizens of respectability in the southern part of this state, constituted a committee for the purpose, you will be pleased to receive as the foundation of the following communication.

In submitting to the sensibility and wisdom of the General Assembly, the subject embraced by this address, viz : the case of the sufferers by depredations of the Indians during the late war ; I feel confident the subject will excite the lively sympathy and the most vigorous exertions to procure redress. The painful circumstances of that eventful period are too well known to call for a recital. Instigated by an infuriated spirit of blind and infatuated superstition, the first impulse of which was given by a distinguished northern savage, that part of the Creek nation of Indians generally known as the war party, in the years 1812-13, poured down on the weak settlements of the Tombeckbe and Alabama, then only a handful, and whilst the population of the country was enclosed for security in forts and block houses, the latter destroyed or carried off the property of the whites of every description.

Fatal experience to a number of our citizens has sufficiently established the fact, that the depredations of the savages were as wanton as their attempt at the extirpation of the white population, was unfeeling and sanguinary. That the war party of the Creek Indians were the aggressors in this case, is sufficiently established. Indeed the part taken by the balance of the nation, in assisting to arrest and punish them, the circumstance of the Big Warrior having ordered the great chief prophet Tecumsch out of the

counsel house at Tokebache, and forbidding his talks, circumstances generally known and forming part of the history of the day, settles this fact.

That restitution and satisfaction would have been demanded and enforced by the competent authority, had the case been reversed, stands without doubt. It appears then that the laws of reciprocal justice demand that the whites who have been damaged by the wanton depredation of the savages, should have remuneration, and that this should be secured to them by that authority which claims to itself "to provide for the general defence, and has reserved to itself the regulation of all intercourse with the Indian tribes." It is a subject of notoriety that many of those citizens, perhaps the mass of them, have not recovered yet from the consequence of that distressing period, when not only all they had amassed by a laudable industry whilst enduring the privations attendant on the first settlement of a new country, but in addition, the lives of wives, husband, infants and friends were sacrificed to glut savage ferocity, which at Fort Mims, and other places seemed to be without bounds.

Justice to these citizens seems to call for their case being spread before the General Government, by the Representatives of the people, as the protection of the people in the peaceable and secure possessions of the result of honest industry, is undoubtedly one of the legitimate ends of a wise and good government. It will not be forgotten that in a similar case, a neighboring state obtained and secured for its injured citizens (if not an ample,) considerable remuneration for injuries committed by the same tribe of Indians.

I would respectfully recommend to the consideration of the General Assembly the propriety of adopting the measures necessary to realize, in behalf of the state, the liberal subscription and obligations entered into by the corporation of this village, its citizens, and those of its vicinity, with a view to influence the desirable result now consummated in the permanent establishment of the government at this place.—All which are most respectfully submitted for your serious consideration and deliberation.

GABRIEL NOORE.

On motion of Mr Hogan, *ordered*, that so much of the Governor's communication as relates to the militia system and the duties of the adjutant general, be referred to the military committee.

On motion of Mr Smith, *ordered*, that so much of the communication as relates to the depredations committed by the Creek Indians during the last war, be referred to the joint committee already appointed on that subject.

Mr Perry moved that so much of the communication as relates to the donation of town lots made by the citizens of Tuscaloosa to the state as an inducement to a location of the seat of government at that town, be referred to the committee on the state capitol, which was lost.

Mr Hubbard moved that the Senate adjourn till to-morrow morning at ten o'clock, which was carried. Yeas 11—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Crawford, Edmondson, Hogan, Hubbard, Jackson, Moore, Morton, Perry, Vining, and Watkins.—Those who voted in the negative are Messrs Conner, Evans, Garth, Irwin, Merriwether, Smith, and Walthall.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Wednesday, Dec. 30th, 1829.

The Senate met pursuant to adjournment.

Mr Hogan presented the petition of sundry citizens of Mobile county praying the passage of a law, to emancipate a certain slave named Piere, which was read and laid on the table.

Mr Hogan introduced a bill to be entitled an act to emancipate a certain

slave therein named, which was read a first time and ordered to a second reading to-morrow.

Mr Garth, from the special committee which was referred a bill to be entitled an act to reduce the price of public lands in the counties of Madison and Morgan to the price of like lands in other counties, reported the same as amended. *Ordered*, that the bill together with the proposed amendments, lie on the table till to-morrow.

Mr President presented to the Senate the following communication from the Comptroller of public accounts.

COMPTROLLER'S OFFICE, Dec. 28th, 1829.

Hon. President of the Senate.

Dear sir—the accompanying communication having reached the department under my guardianship, I feel it to be my official duty to lay it before the Legislature of the State. Its source I deem highly respectable and its subject matter of considerable importance, did it merely concern the State revenue, but there exists another, and I might add an alarming view of this subject. Sales at auction are considered materially to conflict with the desirable prosperity of our commercial citizens and for that reason are deemed legitimate objects of heavy taxation. Should it however be thought impolitic at this time to legislate a prohibition to this mode of vending merchandise, it certainly will meet the sanction of all, that some plan be devised better to secure the revenue arising from this item of taxation. For the information of the Legislature upon this subject I will submit a comparative view of the duties upon sales at auction in the county of Mobile annually returned to this department from 1820 to 1828, both inclusive. In the year 1820 the duties upon sales at auction in the county of Mobile amounted at (I believe,) 1 per cent to \$1,345 85; in 1821 to \$975 59; in 1822 to \$593 46; in 1823 at (I believe) 2 per cent, to \$533 41½; in 1824 to \$1,264 57; in 1825 to \$1,705 26; in 1826 to \$2,973 82; in 1827 to \$1,531 35; in 1828 to \$979 26. Making the aggregate amount received into the Treasury in nine years \$12,002 51½. Why this disproportion in the annual returns from the same county upon the identical object of taxation, I pretend not to be informed, those whose private inclination and political duty have for years past directed their attention to this subject will doubtless be enabled to solve the mystery, either by shewing it to be the natural result of legitimate cause or the peculiar offspring of irregular deportment in the discharge of official duty. Very respectfully,

[Signed.]

G. W. CRABB.

Mr Hogan moved that the communication and accompanying document together with the report of the committee on propositions and grievances made on the petition of sundry citizens of Mobile on the subject of sales at auction be referred to a special committee, which was carried; whereupon messrs Hogan, Garth and Wood were appointed the committee.

A message from the House of Representatives by Mr Tunstall: Mr President—the House of Representatives have read three several times and passed a bill which originated in the Senate entitled an act to authorize the courts of this State to render judgement final against the security of non-residents, and have amended the same by striking out all after the enacting clause and substituting another bill in lieu thereof, in which they desire your concurrence. They have also passed a bill which originated in their house entitled an act to establish a turnpike road therein mentioned, in which they also desire your concurrence.

On motion of Mr Crawford, ordered, that the bill entitled an act to authorize the courts of this State to render judgement final against the secu-

nity of non-residents together with the amendment made thereto by the House of Representatives be referred to the committee on the judiciary.

A bill from the House of Representatives entitled an act to establish a turnpike road therein mentioned, was read the first time and ordered to a second reading to-morrow.

Mr Vining who voted in the majority moved to reconsider the vote of the Senate on the passage of the bill entitled an act to authorize Henry Lucas and others to turnpike a certain therein named, which was carried. On motion of Mr Irwin, ordered that the bill lie on the table till Friday next.

Mr Merriwether introduced a bill to be entitled an act to incorporate the trustees of Sims' female academy in the town of Tuscaloosa, which was read and ordered to a second reading to-morrow.

Mr Watkins offered the following resolution: *Resolved*, that the joint examining committee of the State Bank, the House of Representatives concurring therein, be instructed to call on the president and directors of the Bank to report to the two Houses the amount of money applied for from each county on special accomodation, the amount obtained thereon, the amount applied for on general accommodation and the amount obtained thereon, the amount applied for on bills of exchange, and the amount obtained thereon, and at what time, which was adopted.

Mr Abercrombie offered the following resolution: *Resolved*, that the Comptroller of public accounts be instructed to furnish the Senate with the amount of license issued by the clerk of the county court of Mobile county and the amount of money received by him in the year 1829, and if not paid what prospect there is of collecting the same, which was adopted.

Mr Jackson, from the special committee to which was referred a bill to be entitled an act to secure to femes coverts their estates, reported the same with two additional sections as amendments thereto, the first of which was concurred in. The question was put on concurring in the second amendment proposed by the committee to the bill, which is as follows: *And be it further enacted*, that if this act be repealed within five years from its passage, all rights accruing under the same or such repealed part shall cease, and the property thus secured shall be vested in the same manner as if this act had never passed, and determined in the negative. Yeas 8, Nays 13.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Conner, Garth, Hogan, Irwin, Jackson, Moore and Perry.

Those who voted in the negative are Mr President, Crawford, Edmondson, Evans, Hubbard, Meriwether, Morton, Pickett, Smith, Vining, Walthall, Watkins and Wood.

Mr Pickett moved that that the bill be recommitted to a special committee, which was lost. Yeas 8—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are Messrs Conner, Crawford, Edmondson, Hubbard, Jackson, Moore, Pickett and Watkins.

Those who voted in the negative are Mr President, Abercrombie, Evans, Garth, Hogan, Irwin, Merriwether, Morton, Perry, Smith, Vining, Walthall and Wood.

Mr Hubbard moved that that the bill lie on the table till to-morrow, which was lost. Yeas 8—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Crawford, Edmondson, Evans, Hubbard, Moore, Smith, Vining, and Walthall.

Those who voted in the negative are Mr President, Abercrombie, Conner, Garth, Hogan, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Watkins and Wood.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed a bill which originated in their House entitled an act making appropriation to pay the balance of the amount to which the commissioners of the state capitol were authorized by law to contract, and for which there has been no appropriation, in which they desire the concurrence of the Senate.

Mr Smith moved that the Senate adjourn till to-morrow morning at 10 o'clock, which was lost. Y a-7—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Crawford, Edmondson, Evans, Hogan, Moore, Pickett and Smith.

Those who voted in the negative are, Mr President, Abercrombie, Garth, Hubbard, Irwin, Jackson, Merriwether, Morton, Perry, Vining, Walhall, Watkins and Wood.

Mr Hubbard moved that the Senate adjourn till 3 o'clock this evening, which was carried. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Crawford, Edmondson, Garth, Hubbard, Irwin, Jackson, Morton, Pickett and Vining.

Those who voted in the negative are Messrs Evans, Hogan, Merriwether, Moore, Perry, Smith, Walhall, Watkins and Wood.

The Senate accordingly adjourned till three o'clock this evening.

EVENING SESSION.—Mr Irwin who voted in the majority moved to reconsider the vote of the Senate, ordering the bill entitled an act to authorize Henry Lucas and others to turnpike a certain road therein named, to lie on the table till Friday next; which was carried. *Ordered*, that the bill be committed to a special committee, whereupon messrs Irwin, Abercrombie and Evans were appointed the committee.

Mr Hubbard, from the special committee to which was referred a bill to be entitled an act to incorporate the stockholders and subscribers to the newly invented marine railway in the city of Mobile under the Rogers' patent, reported the same with sundry amendments, which were severally concurred in. The question was then put, shall the bill pass? and determined in the affirmative. Yeas 16—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Merriwether, Moore, Morton, Perry, Smith, Vining, Walball, Watkins, and Wood.

Those who voted in the negative are, Messrs Abercrombie, Irwin, Jackson, and Pickett.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Jackson offered the following preamble and resolution: Whereas the President of the United States by his proclamation of the 3d instant, has ordered the sale of all the forfeited land situated within the limits of St. Stephens, Cahawba and Huntsville land districts in the state of Alabama, sales to take place at St. Stephens on the 2d Monday in May next; at Cahawba on the 4th Monday in May next; and at Huntsville on the 2d Monday in June next, which proclamation is as unexpectedly presented to us, as in its consequences and effects it is injurious and destructive to a large portion of the citizens of Alabama: it will drive our citizens from lands for which they have already paid the government a full and fair value in cash. It will compel a considerable portion of them who from the pressure of the times and their limited means are now unable to repurchase their homes, to abandon them, and again betake themselves and families to the wilderness for support and sustenance; whilst the government of their choice does not extend to them the aid and comfort offered their red brethren, the Creeks and Cherokees, by paying for their improvements, and assigning them a country in the wilderness west of the Mississippi, to which they can remove with a promise of protection and possession as long as "the grass grows and the waters run:" without even this protection a large portion of our citizens must now abandon their homes and the country of their choice; a country which many of them assisted in obtaining for the government at the risk of their lives whilst engaged in its protection from the tomahawk

and scalping knife. Therefore be it resolved by the Senate of Alabama, that a special committee be appointed with instructions to report a memorial or remonstrance to the Congress of the U. States against the sales of those lands, and asking from our government the passage of a law extending to its citizens that justice which they have a right to expect at the hands of a government whose first duty it is to promote the prosperity of its people; which was unanimously adopted, whereupon messrs Jackson, Perry and Hubbard were appointed the committee.

A bill to be entitled an act making an appropriation to pay the balance of the amount to which the commissioners of the State Capitol were authorized by law to contract, and for which there has been no appropriation, was read and the rule requiring bills to be read on three several days being dispensed the bill was read the second time and ordered to lie on the table till to-morrow.

An engrossed bill to be entitled an act to repeal in part an act approved January 13th, 1828, and for other purposes, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to regulate proceedings in certain actions of detinue, was read the second time and referred to the committee on the judiciary, to consider and report thereon.

Joint memorial praying a relinquishment of claims to certain lands for purpose of establishing primary schools in the several counties of this State, was read a third time and the question being put, shall the memorial pass? it was determined in the affirmative. Yeas 17—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Crawford, Edmondson, Garth, Hogan, Irwin, Merriwether, Moore, Morton, Pierre, Pickett, Smith, Vining, Walshall, Watkins and Wood.

Those who voted in the negative are Messrs Abercrombie, Evans and Jackson.

Ordered, that the secretary acquaint the House of Representatives therewith.

Joint resolution in relation to the Cherokee boundaray was read the second time and ordered to a third reading to-morrow.

Mr Hubbard called up the bill to be entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes. On motion of Mr Garth, ordered, that the bill be committed to a committee of the whole House and made the order of the day to-morrow.

A message from the House of Representatives by Mr Tunstall: Mr President—the House of Representatives concur in the resolution of your honorable body proposing to call on the president and directors of the Bank to report to the two Houses the amount of money applied for from each county on special accomodation, the amount obtained thereon, the amount applied for on general accomodation, and the amount obtained thereon, the amount applied for on bills of exchange and the amount obtained thereon, and at what time.

A bill to be entitled an act to provide for drawing and compensating jurors to attend on the county courts for Franklin, Morgan and Lawrence counties and for other purposes, was read the second time and referred to the committee on the judiciary.

A bill to be entitled an act to authorize Joseph Deruy to open a road and establish a private ferry in the county of Dallas, was read the second time and ordered to be engrossed for a third reading to-morrow.

Mr Jackson moved that the Senate adjourn till tomorrow morning at 10 o'clock, which was carried. Yeas 11—Yays 9.

The yeas and nays being desired, those who voted in the affirmative are Messrs Crawford, Edmondson, Evans, Garth, Hubbard, Irwin, Jackson, Merriwether, Moore, Smith and Vining. — Those who voted in the negative are Mr President, Abercrombie, Hogan, Morton, Perry, Pickett, Walthall, Watkins and Wood.

The Senate accordingly adjourned till to-morrow morning at 10 o'clock.
Tuesday, December 31, 1829.

The Senate met according to adjournment.

Mr Irwin presented the accounts of John Turner, and another against the state for making returns of the Congressional election in the southern district, which were referred to the committee on accounts and claims.

Mr Perry, from the committee on the judiciary to which was referred a resolution instructing them to inquire into the propriety of so amending the laws in relation to the trial of slaves in cases of grand larceny, as to give justices of the peace the power to take bail, reported a bill to be entitled an act to authorize justices of the peace to take bail in certain cases, which was read and ordered to a second reading to-morrow.

Mr Perry, from the same committee to which was referred a resolution instructing them to inquire into the propriety of extending the terms of the supreme court of this State so as to compel said court to sit at least six weeks at each term unless they sooner get through the business of said court, reported a bill to be entitled an act to limit the term of the supreme court, which was read and ordered to a second reading to-morrow.

Mr Perry, from the same committee to which was referred a bill to be entitled an act amendatory of the laws of this state on the subject of confining prisoners committed upon process from the courts of the U. States, reported the same without amendment. *Ordered*, that the bill be made the order of the day for a third reading to-morrow.

Mr Morton presented the memorial of Benjamin Hudson, stating that one Elijah Smith, tax collector of Franklin county for the year 1828, became a defaulter to the state, and that the last General Assembly extended the time for making payment, upon his giving security; and that the memorialist and one William Alsobrooks stand bound as securities, and will be made liable for the amount for which he is in arrears, and praying the passage of a law extending the time for payment upon the debt being well secured; which was read and referred to the committee on propositions and grievances.

Mr Morton, from the committee on propositions and grievances to which was referred the memorial of Edmond Prince, reported a bill for his relief; which was read and ordered to a second reading to-morrow.

Mr Abercrombie, from the committee on county boundaries to which was referred a bill to be entitled an act to extend the limits of Monroe county, and to designate the dividing line between the counties of Monroe and Clark, reported the same as amended by striking therefrom the following words: "and that the main channel of the said river Alabama shall henceforth be known as the dividing line between the counties of Clark and Monroe. Mr Abercrombie moved that the Senate concur in the amendment proposed by the committee, which was carried. Yeas 16—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Crawford, Garth, Hogan, Irwin, Jackson, Merriwether, Morton, Perry, Pickett, Smith, Vining, Walthall, Watkins and Wood.

Those who voted in the negative are Messrs Conner, Evans, Hubbard and Moore.

Ordered, that the bill be engrossed for a third reading to-morrow.

Mr Evans, from the special committee to which was referred a petition on the subject, reported a bill to be entitled an act to authorize the guardians of the minor heirs of Samuel Bones, deceased, to sell and convey certain real estate, which was read and ordered to second reading to-morrow.

Mr Moore, from the committee on the judiciary to which was referred a bill to be entitled an act to regulate proceedings in certain actions of detinue, reported the same without amendment. *Ordered*, that the bill be made the order of the day for a third reading to-morrow.

Mr Hubbard introduced a joint memorial to the Congress of the United States praying a removal of the land office from Huntsville to Courtland, which was read and ordered to a second reading to-morrow.

Mr Moore introduced a bill to be entitled an act allowing solicitors of the several circuits a copy of Minor's report, which was read and ordered to a second reading to-morrow.

Mr Crawford presented the petition of sundry citizens of Shelby county, praying that Isaac A. Linder may be authorized to establish a ferry across Coosa river in said county on the State road leading from Tuscaloosa to Georgia, which was read and referred to a special committee consisting of messrs Crawford, Conner and Pickett.

The following communication was received from the Governor by Mr Thornton:

EXECUTIVE DEPARTMENT, December 31st, 1829.

The Hon. the president and members of the Senate.

Judge Scott having resigned his appointment as judge of the county court of Blount, it will be expedient for the General Assembly to proceed to fill the vacancy. I have the honor to be with high consideration, your obedient servant.

GABRIEL MOORE.

Ordered, that the communication lie on the table.

Mr Walthall offered the following resolution: *Resolved*, that with the concurrence of the House of Representatives the two Houses will adjourn upon the ninth day of January *sine die* at the hour of one o'clock P.M. and the question being put on the adoption of the resolution it was determined in the affirmative. Yeas 15—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie Conner Crawford Edmondson Evans Garth Irwin Merriwether Perry Pickett Smith Vining Walthall and Wood—Those who voted in the negative are Mr President, Hogan Hubbard Jackson Moore and Morton.

A message from the House of Representatives by Mr McClellan: Mr President—the House of Representatives have read three several times and passed a bill which originated in the House of Representatives entitled an act to alter the times of holding the circuit courts in the counties of Limestone and Lawrence, in which they desire the concurrence of the Senate. They have postponed indefinitely the resolution from the Senate proposing an alteration of the rules of both branches of the General Assembly.

The bill mentioned in the foregoing message was read the first time and ordered to a second reading to-morrow.

The Senate resumed the consideration of the engrossed bill entitled an act to secure to femes covert their estates. The question was then put, Shall the bill pass? and decided in the negative. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Garth, Hogan, Irwin, Jackson, Morton, Perry, Watkins, and Wood.—Those who voted in the negative are Messrs Conner, Crawford, Edmondson, Evans, Hubbard, Merriwether, Moore, Pickett, Smith, Vining and Walthall.

The Senate then resumed the consideration of the bill entitled an act making an appropriation to pay the balance of the amount to which the commissioners of the state capitol are authorized to contract, and for which there has been no appropriation. Mr Perry moved to strike from the bill the words "fifty-five thousand dallars," where it reads thus: "that on the order of a majority of the commissioners appointed to contract for

the erection of the state capitol, the comptroller of public accounts shall issue his warrant on the treasury of this state, for the balance or fifty five thousand dollars, the amount to which the commissioners aforesaid were by law authorized to contract, that has not heretofore been appropriated, and the aforesaid amount shall be paid out of any money in the treasury not otherwise appropriated. which motion was lost. Yeas 7—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are messrs Abercrombie, Conner, Evans Irwin, Perry, Pickett and Walthall.—Those who voted in the negative are mr President, Crawford, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Moore, Morton, Smith, Vining, Watkins, and Wood.

Mr Abercrombie moved to strike from the bill, "out of any money in the treasury not otherwise appropriated." which was lost. Yeas 7—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are messrs Abercrombie, Conner, Evans, Irwin, Perry, Pickett and Walthall.—Those who voted in the negative are mr President, Crawford, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Moore, Morton, Smith, Vining, Watkins and Wood.

Mr Perry offered the following amendment to the bill: *And be it further enacted*, that there shall be no further contracts or appropriations of money made for the completion of the state capitol, which was rejected. Yeas 9—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are messrs Abercrombie, Conner, Crawford, Evans, Erwin, Perry, Pickett, Smith and Walthall.—Those who voted in the negative are Mr President, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Moore, Morton, Vining, Watkins and Wood.

The bill was then read the third time and the question being put. Shall the bill pass? it was decided in the affirmative. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are mr President, Crawford, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Moore, Morton, Smith, Vining Watkins and Wood.—Those who voted in the negative are messrs Abercrombie, Conner, Evans, Irwin, Perry, Pickett, Walthall.

Mr Perry moved to amend the bill by striking out the words, "the amount to which the commissioners of the state capitol are by law authorized to contract," which was lost.

And then the Senate adjourned till three o'clock this evening.

EVENING SESSION.—An engrossed bill to be entitled an act to authorize Joseph Deruy to open a road and establish a private ferry in the county of Dallas, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid and that it be sent to the House of Representatives for their concurrence.

A joint resolution to procure a topographic survey by the engineers of the United States, of a route for a canal to unite the waters of the Tennessee and Tombekbe rivers, so far as to ascertain the practicability of such a work, was read the third time and the question being put. Shall this resolution pass? it was determined in the affirmative. Yeas 17—Nays 1.

The yeas and nays being desired, those who voted in the affirmative are mr President, Conner, Crawford, Edmondson, Evans, Garth, Irwin, Jackson, Merriwether, Moore, Morton, Perry, Pickett, Vining, Walthall, Watkins and Wood.—Mr Abercrombie voted in the negative.

Ordered, that the secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by mr Van Dyke: Mr President—The House of Representatives concur in the resolution of your honorable body, proposing that the two Houses will adjourn on the 9th of

of January next, at the hour of one o'clock. P. M. *sine die*, and have amended the same by striking out the 9th, and inserting the 16th of January.

Mr Moore moved that the resolution together with the amendment made by the House of Representatives, lie on the table till the ninth of January next, which was lost. Yeas 3—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are Mr President Evans, Hubbard, Jackson, Moore, Morton, Watkins and Wood. — Those who voted in the negative are Messrs Abercrombie, Conner, Crawford, Edmondson, Garth, Irwin, Merriweather, Perry, Pickett, Vining and Walthall.

Mr Irwin moved that the Senate concur in the amendment made by the House to the resolution. A call of the House being demanded the subject was laid on the table for one hour.

Mr Jackson offered the following resolution: *Resolved*, that the Senate will not receive any new business after to-morrow unless authorized by a vote of two thirds of the members. Mr Moore moved that the resolution lie on the table, which was lost. Yeas 3—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are Mr President Crawford, Hubbard, Irwin, Moore, Perry, Watkins and Wood. — Those who voted in the negative are Messrs Abercrombie, Conner, Edmondson, Evans, Garth, Jackson, Merriweather, Morton, Pickett, Vining and Walthall.

Mr Perry moved to amend the resolution by striking out the word to-morrow, and inserting the *ninth of January*, which was lost. A call of the House being demanded, the resolution was, under a rule of the Senate, laid on the table for one hour.

Mr Hubbard introduced a bill to be entitled an act for the relief of Henry Sessaman, which was read and ordered to a second reading to-morrow.

Mr Moore, from the joint committee on enrolled bills, reported as correctly enrolled—a joint memorial to the Congress of the United States, praying the postponement of the sales of the public lands in the county of Jackson; joint memorial to the Congress of the United States praying a relinquishment of claim to certain lands for the purpose of establishing primary schools in the several counties of this state; and an act making appropriation for the payment of certain claims against the state of Alabama, which were accordingly signed by our President.

A joint resolution, from the House of Representatives in relation to the Cherokee boundary, was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to incorporate the trustees of the Sim's Female Academy, in the town of Tuscaloosa, was read the second time and ordered to be engrossed for a third reading to-morrow.

Mr Pickett introduced a bill to be entitled an act authorizing the general government to appropriate the funds arising from the sales of the lands granted to this state for the improvement of the navigation of the Tennessee river, and to construct and execute the contemplated improvement in the Muscle Shoals under their own direction and control, which was read. Mr Jackson moved that the bill lie on the table till the first day of next session, which was lost. Yeas 3—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are Mr President Edmondson, Garth, Hubbard, Jackson, Moore, Morton and Vining. — Those who voted in the negative are Messrs Abercrombie, Conner, Crawford, Evans, Irwin, Merriweather, Perry, Pickett, Smith, Walthall and Wood.

Ordered, that the bill be made the order of the day for a second reading to-morrow.

Mr Watkins, from the joint committee elected to examine into the Bank of the State, submitted the following report:

The joint examining committee of the State Bank, to which was referred sundry resolutions calling on the officers of the State Bank to furnish the information embraced in said resolutions, beg leave to submit to the two Houses of the General Assembly, the accompanying tabular views, comprehending three statements: The first, marked A, shewing the amount of notes offered by, and the amount discounted to each county in the state.

The second, marked B, exhibits the amount of bills of exchange offered, and the amount discounted to each county.

The third, marked C, shows the gross amount of bills of exchange purchased annually since the establishment of the Bank, with the damages collected on such as have not been punctually paid.

The document marked D, gives a condensed view of the two marked A, and B.

In answer to the resolution calling for information in relation to the additional clerk, authorized by a law of the last session, and whether any retrenchment can, with propriety, be made in the expenses of the institution; the committee beg leave to submit a letter written under the direction of the board, by the President of the Bank, marked E.

All which is respectfully submitted.

J. WALKINS, JESSE W. GARTH, J. B. HOGAN, Com. of the Senate.

DAVID MOORE, ELISHA YOUNG, J. B. CLARK, Com. of the H. R.

Ordered, that the report and the accompanying documents lie on the table, and that fifty copies thereof be printed for the use of the Senate.

Mr Morton, from the committee on propositions and grievances to which was referred the memorial of Benjamin Hudson, reported a bill for his relief, which was read and ordered to a second reading to-morrow.

The Senate resumed the consideration of the amendment made by the House of Representatives to the resolution fixing a day for the adjournment of the two Houses. Mr Irwin moved that the Senate concur in the amendment made by the House to the resolution, which was carried. Yeas 15--Nays 5.

The Yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie Conner Crawford Edmondson Evans Garth Irwin Merriwether Pickett Smith Vining Walhall Watkins and Wood.—Those who voted in the negative are Mr President Hubbard Jackson Moore and Morton.

Ordered, that the Secretary acquaint the House of Representatives therewith.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Friday, January 1, 1830.

The Senate met pursuant to adjournment.

Mr Conner presented the petition of Daniel Fields, praying authority to construct a turnpike road in Blount county; which was read and referred to the committee on roads, bridges and ferries to consider and report thereon.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed a bill which originated in their house, entitled an act to amend an act entitled an act to regulate the licensing of physicians to practice and for other purposes therein named, passed Dec. 22, 1823: in which they desire your concurrence. They have adopted a joint memorial requesting a grant of lands by the Congress of the U. States, for the use of a female academy in each county of this state: in which they desire your concurrence.

The bill mentioned in the foregoing message, was read the first time and ordered to a second reading to-morrow.

The joint memorial requesting the grant of lands by the Congress of the United States, for the use of a female academy in each county of this state,

was read the first time. Mr Garth moved that the memorial lie on the table till the first day of August next, which was lost. Yeas 6—Nays 15

The yeas and nays being desired, those who voted in the affirmative are messrs Abercrombie, Evans, Garth, Jackson, Pickett and Watkins.—Those who voted in the negative are Mr President, Conner, Crawford, Edmondson, Hogan, Hubbard, Irwin, Merriwether, Moore, Morton, Perry, Smith, Vining, Walthall and Wood. Ordered, that the memorial be read the second time tomorrow.

Mr Moore presented the account of Henry Norwood, sheriff of Jackson county against the state; which was referred to the committee on accounts and claims.

Mr Irwin, from the special committee to which was referred a bill to be entitled an act to authorize Henry Lucas and others to turnpike a certain road therein named, reported the same as amended; which was concurred in. Mr Hogan offered the following amendment to the bill by way of rider: *Provided, that if in the course of the present year the general government shall adopt measures to have the aforesaid road put in repair, then the privileges herein granted shall cease, and this act shall be null and void;* which was read the first time, and the question being put on the adoption of the amendment, it was decided in the affirmative. Yeas 11—Nays 10.

The yeas and nays being desired those who voted in the affirmative are mr President Crawford Evans Garth Hogan Merriwether Moore Perry Pickett Smith and Watkins.—Those who voted in the negative are mr Abercrombie Conner Edmondson Hubbard Irwin Jackson Morton Vining Walthall and Wood.

The amendment was read the second time and adopted. The amendment was then read the third time, and the question being put on its adoption, it was determined in the affirmative. Yeas 11—Nays 10.

The yeas and nays being desired those who voted in the affirmative are Mr President Crawford Evans Garth Hogan Merriwether Moore Perry Pickett Smith and Watkins.—Those who voted in the negative are Messrs Abercrombie Conner Edmondson Hubbard Irwin Jackson Morton Vining Walthall and Wood.

Mr Abercrombie moved that the further consideration of the bill be indefinitely postponed, which was carried.

Mr Moore, from the joint committee on enrolled bills reported as correctly enrolled an act making appropriation to pay the balance of the amount to which the commissioners of the State Capitol were authorized by law to contract, and for which there has been no appropriation; joint resolution in relation to the Cherokee boundary; joint resolution to procure a topographic survey by the engineers of the United States of a route for a canal to unite the waters of the Tennessee and Tombecbe rivers so as to ascertain the practicability of such a work, which was accordingly signed by mr President.

Mr Irwin moved that the Senate adjourn till to-morrow morning at 10 o'clock, which was lost. Yeas 4—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Garth, Irwin, Moore and Perry.—Those who voted in the negative are Mr President, Conner, Crawford, Edmondson, Evans, Hogan, Hubbard, Merriwether, Morton, Pickett, Smith, Vining, Walthall Watkins and Wood.

Mr Morton moved that the Senate adjourn till 3 o'clock this evening, which was carried. Yeas 12—Nays 6.

The yeas and nays being desired those who voted in the affirmative are Mr President, Conner, Crawford, Edmondson, Evans, Garth, Hubbard, Merriwether, Morton, Smith, Vining and Walthall.—Those who voted in the negative are Messrs Hogan, Irwin, Moore, Perry, Watkins and Wood.

The Senate accordingly adjourned till 3 o'clock this evening.

Three o'clock P. M.—The Senate met. Mr Pickett, from the commit-

tee on propositions and grievances to which was referred a memorial from sundry citizens of Jackson county praying the passage of a law securing to the head of each family a horse exempt from execution, reported a bill to be entitled an act further to relieve insolvent debtors, which was read and ordered to a second reading to-morrow.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Saturday, January 2, 1830.

The Senate met pursuant to adjournment.

Mr Perry, from the committee on the judiciary to which was referred a bill to be entitled an act to provide for drawing and compensating jurors to attend on the county courts of Franklin, Morgan and Lawrence counties, and for other purposes, reported the same without amendment. *Ordered*, that the bill be laid on the table.

Mr Smith, from the joint committee to which was referred a resolution on the subject, reported a joint memorial to the Congress of the U. States, praying indemnity for losses sustained by the depredations of the Creek Indians; which was read and ordered to a second reading on Monday next.

Mr Merion, from the committee on roads, bridges and ferries, to which was referred a petition on the subject, reported a bill to be entitled an act to authorize a road from the northeast corner of capitol square in the town of Tuscaloosa, to the Warrior river, where the western boundary of said town intersects the same which was read and ordered to a second reading on Monday next.

Mr Perry, from the committee on the judiciary to which was referred a bill to be entitled an act to authorize the courts of this state to render judgement final against the security of nonresidents, together with the amendment made thereto by the House of Representatives, reported the same without amendment. *Ordered*, that the Senate concur in the amendment made by the House to the bill, and that the secretary acquaint the House of Representatives therewith.

The following communication was received from the Governor by Mr Thornton.

EXECUTIVE DEPARTMENT, January 2, 1830.

To the Hon. the President and Members of the Senate—I hereby inform your honorable body that a vacancy exists in the office of judge of the county court of Lawrence county, Peter V. Taylor Esq. having resigned that appointment the duty of filling which will devolve upon the General Assembly. I have the honor to be your obedient servant,

GABRIEL MOORE.

Ordered, that the communication lie on the table.

A message from the House of Representatives by Mr McClellan: Mr President—The House of Representatives have read three several times and passed bills which originated in the Senate, entitled an act to give the circuit courts of this state power to render judgement final against the security in writs of error bonds; and an act to change the name of Wm. Tankersly to that of William Parmer. They have also read three several times and passed bills and joint resolution which originated in their House of the following titles, to wit: an act to incorporate Marion academy in Perry county; a joint resolution requiring the offices of comptroller and treasurer to be examined annually; an act to prevent the evil practice of betting on elections; an act for the relief of Andrew O. Horn, tax collector of Lawrence county, and an act further to provide for the location of the seat of justice of Pickens county, in which they desire your concurrence.

The bills and joint resolution mentioned in the foregoing message and which originated in the House of Representatives, were severally read the first time in the Senate and ordered to a second reading on Monday next.

Mr Perry introduced a bill to be entitled an act making an appropriation for the increase of the supreme court library, which was read and ordered to a second reading on Monday next.

Mr Conner presented the account of Samuel L. Hutchins, which was referred to the committee on accounts and claims.

Mr Abercrombie, from the joint committee appointed by the two houses of the General Assembly to investigate the conduct of the commissioners appointed to class and value the 400,000 acres of land granted to this state for the purpose of improving the navigation of the Tennessee and other rivers, submitted the following report :

The joint committee appointed by the two houses of the General Assembly of the state of Alabama for the purpose of investigating the conduct of the late land commissioners chosen in conformity to an act passed at the session of the last legislature, to select, class, and value four hundred thousand acres of land, granted by the Congress of the United States to this state, as the means of opening and constructing a canal navigable for steamboats, around or through the Muscle Shoals, obstructing and otherwise impeding the free navigation of the Tennessee river, and for other purposes, with authority to send for, and bring before them, persons and papers, report, that they have performed the duty assigned them.

Your committee first attempted to learn whether the conduct of the commissioners had been improper; in doing which, it was necessary, as far as practicable, to ascertain the actual conduct and procedure of the commissioners. The evidence adduced, shews that a majority of the board of commissioners assembled at Courtland, and agreed to make a short tour of observation in order, by an examination of the different classes of land, and a pricing of the same, to establish a standard of value, so as to produce as great a degree of uniformity as possible in their valuation. After such observation, about twelve dollars per acre was partially agreed upon as the highest price of the first, or best quality of relinquished land, unless some local cause might raise particular tracts above that value. The commissioners then separated themselves into four companies, and assigned to each specified bounds as their sphere of action.

As appears by the memorial of meiers King and Terrell, the company who acted in Madison and Morgan, had completed their examination in Madison before they were apprized that the companies, generally, were not acting up to the common rule established, as before stated, by the majority of the board. The apparent want of uniformity is, in this way, accounted for. The reason of the departure from such rule, by the company that examined the lands in Limestone county, is explained by the evidence of John D. Carrol and is, that after their separation from the other commissioners, upon reflection, they came to the conclusion that each company was bound to act in accordance with the opinion entertained by themselves as to their course of duty, and their own construction of the statute, under which they acted, and particular observations and belief of the true value of the lands they selected, and that the commissioners had no right to establish rules for any company except their own.

The commissioners when the majority of them were together, as already observed, determined, as a general rule, that all settlers, or who were such, before the passage of the act of the legislature, establishing the board of commissioners, were entitled to preferences, under the act; and that floating claims might be laid upon improved lands. The evidence shews, that Mr King of Madison and Mr G. K. Hubbard were of the general meeting, and that Mr Hubbard dissented from the opinion in relation to preferences, but submitted to obey the decision of the board, although he did not believe that the decision, as to preferences, was correct. The evidence likewise shews, that in Lawrence county, the commissioners did act conformably to the instruction of the board in reference to the claim of occupants, and did allow floats to cover improved lands. We have no evidence that such was the rule of action with any other company of commissioners, as respects preferences and floating claims, unless in the case of floats from the river, which might cover any lands, to which another person had not a preference. As to the fact of the preference right claimed by G. K. Hubbard, the testimony throughout proves it to be just, and the entire transaction correct and honorable.

The evidence submitted, with but little exception will prove, as far as the evidence of numbers, virtue and intelligence is capable of proving, that the lands in the four lower counties are generally valued correctly, or as nearly so as the same quantity of land could well be, and will also establish the fact, that no land in the Tennessee Valley, for the mere purpose of cultivation of cotton or corn, is worth more than ten dollars per acre, and further proves that no blame attaches itself to the commissioners or any one of them. It is true that in the opinion of your committee, the act, or construction of a majority of

the board of commissioners in relation to the allowance of preference rights, and the location of flats, was a mis-construction of the statute; nevertheless, your committee are satisfied that the intention of the board in these respects, was the honest dictate of their better judgement, and that a statute so complicated as the one under which the commissioners acted, was well calculated to produce a difficulty of construction, not easy of solution to plain unpretending agriculturalists, unskilled in the abstruseness of jurisprudence, and even not devoid of difficulty to jurists themselves.

The fact that a reduction was made of the prices first assessed, by the Lawrence board of commissioners, upon many tracts, to the amount of about five thousand six hundred and seventy-one dollars is, as your committee believe, explained and accounted for in a satisfactory manner by the testimony; by which it appears that the commissioners in such reduction, after they had examined all the land assigned to their board, and were better able to determine what was the true value of the land, made the reduction with the intention, and for the purpose of placing upon the said tracts of land a just price, which act of the commissioners, for the purpose aforesaid, your committee, or at least a majority of them, believe was legal and just, and correct in the discharge of their duty.

Your committee further submit, that owing to the little observance paid to the standard of value affixed upon the lands, and established by the majority of the board of commissioners in the four lower counties, and the strict regard to such standard of value by the board for Madison and Morgan, the failure of uniformity in value has in a great measure been produced. Your committee believe that the majority of the board of commissioners could not legally establish a standard of value, or rule of action for the several companies; and that it was the duty of each board, under the provisions of the act, to perform according to their own observation, and to the terms of the statute, the duties assigned them. Yet your committee are of opinion that the company assigned to Madison and Morgan acted with good and perfect faith; but that, by the standard of value affixed by the board as aforesaid, and probably by the more exalted estimate in which those lands had been theretofore held by the inhabitants of those counties, they were induced, and in consequence, did value the lands in the counties of Morgan and Madison at a rate of between twenty-five and fifty percent too high. Your committee therefore respectfully recommend to the legislature to pursue such measures as they may deem just and proper to produce uniformity in the valuation of said lands, in such manner as shall be equitable; that equal justice may be measured out to the occupants and purchasers, and the interest of the state protected.

Your committee are of opinion, that the commissioners, under the provisions of the act, were bound to arrange the lands in three classes, and that all lands of a less value than three dollars should be placed in the inferior or lowest class; yet, as the commissioners were sworn to assess the true value, when they believed the land was of less value than the minimum, it appears difficult to say how they could have assessed any other sum than that which they believed the true value; the committee, notwithstanding, think that the law denominated the class to which such as were valued below the minimum of the third class belonged.

Your committee believe that this was more the error of the legislature than the commissioners, and may be accounted for in this way—the legislature acted upon the belief that, from the alleged value of the land the quantity granted would certainly be found which was worth the minimum, and more than that sum.

The committee are of opinion that the lands, as assessed by the commissioners, will command a greater sum of money than would have been produced under the auction system of the United States: for, that combinations would have been formed, and every means resorted to, for the purpose of reducing the lands to a low price, which would hardly have failed in their effect; and that whatever complaint may in justice lie against the last Legislature, or the commissioners, on account of injustice done to the citizens resident in the section of country where the lands lie, yet, no just and veritable complaint can be made by the United States or other States, interested in the improvement contemplated to be made.

Your committee will now proceed to expose the true cause, in their opinion, as derived from the evidence of the disappointment of all, in the real value of the lands; which they conceive to be the following: *First*, the variable quality of the soil throughout the country, there being scarcely a quarter section of what is termed valuable land in the Tennessee Valley that does not present almost every quality of soil; and it rarely occurring, that, a relinquished quarter section of land, three fourths of it should be valuable, so far as it relates to mere soil, and the circumstance of the mode in which lands have been relinquished, a great portion of the valuable lands being retained under the eight years credit system, and either paid for or forfeited in July last; the relinquished lands also, having been relinquished in such a manner as to be compassed about by patented lands,

or lands retained under the credit of eight years. Much of the relinquished land beside, a ruinous method of cultivation, was exhausted and rendered usually of little value to any person other than the occupant of adjoining land, or who owned the whole, or some part of the land adjacent. Upon the relinquished lands, the timber was in general felled, wasted and destroyed. In the county of Lawrence, at its first settlement, the good lands were so scarce of timber as to have scarcely more than enough to enclose them once.

To these prominent and important causes may be added others of no inconsiderable weight: The unproductive crops made for many years in the Valley of the Tennessee river; the low prices of the staple commodity of the country, cotton; it bearing, at times, a price not greater than six or seven cents per pound; the great quantity of land to be had in the Western District of Tennessee and in the State of Mississippi, at reduced prices, compared even with the assessed prices of the selected lands, eligibly situated in regard to commerce and equally well adapted to the culture of cotton.

Another cause, your committee will allude to. The former high prices of lands, had awakened the people to a sense of sober reflection upon the subject and convinced them that they estimated their lands far beyond a prudent, reasonable, or fair value. This induced a nearer approach to the true value; and must continue to bring about a decline in price, even actually below their real value; lands in this section of country, as your honorable body, by adverting to the evidence, will perceive, having within the course of the last twelve or eighteen months been reduced and diminished in value, from twenty-five to fifty per cent. The large quantity of land, included in the donation, being brought at once into market, has had, indisputably, a material effect in subtracting from the value of lands in North Alabama; so as to leave the impression prevalent in some counties, that the commissioners had fixed a very low valuation upon them.

Your committee deem it necessary to report the cause, which in their estimation, led to this investigation; they are the following:—The magnitude and importance of the work, in its national character, its utility and importance to the people of the several States of this Union, more especially to those of North Alabama and Tennessee, together with the munificence and liberality of the grant, had induced almost every person to place a high and exaggerated estimate of value upon the lands granted. Added to this, the former enhanced and mistaken estimate of the value of land in the cotton growing States, and the high price at which the relinquished lands had been purchased, contributed to cause even the more moderate, to account the worth of the lands granted at from one to two millions of dollars. And when the valuation of the Commissioners had reduced more than one third of the whole quantity of land, below the minimum price of the United States, and that graduation was compared with the prices formerly given, and the fact was developed that the entirety of the land was worth only about six hundred and eighty six thousand dollars—and furthermore, when it appeared that the best of the land, which had been, anterior to this, purchased at prices varying from five to seventy dollars, in four of the counties, were now valued at prices not exceeding ten dollars per acre; the best lands in other counties also, out of which the selections were made at prices below fifty dollars per acre, most persons were exceedingly astonished and disappointed.

In this state of surprise charges were made against the character and conduct of the commissioners and against the legislature, who had resorted to that method of ascertaining the value of the lands, and disposing of them. These charges were widely circulated in newspapers, probably from credence in their truth; suspicion in the minds of many was confirmed, from an impression that lands of the same class, in the different counties, under the same local circumstances, were of like value; and that between the counties of Madison and Morgan, and the other four counties, viz. Limestone, Lawrence, Lauderdale and Franklin, there was great disparity in point of price affixed and valuation. Besides this, after more than one hundred and twenty thousand acres of the land had been examined, selected and valued, by the board of commissioners assigned to the county of Lawrence, Judge King, one of the commissioners, resigned, and another being appointed, the new commissioner, together with the two others, reduced in price some thirty-eight or nine tracts of the land; in the valuation of which the said King, prior to his resignation, had been engaged and assisted; which reduction varied from four dollars to seventy-five cents per acre. When Judge King received intelligence of this procedure, he communicated the information to the Governor. The Governor thus informed, and also advised that more than one third of the selected lands was not classed: apprised too, probably, of the contentions between occupants about preferences, or rather the right of pre-emption; which contests had been partially settled by the commissioners, by which settlement many of the citizens conceived that their rights had suffered—communicated to both branches of the Legislature the failure of compliance on the part of the commissioners with the spirit and letter of the statute: and, though his Excellency did not, for an instant, entertain the suspicion of the existence of corruption, yet he considered it his duty, and incumbent on him, to recommend investigation.

And investigation was, in fact, due to the State, to the United States, and to the gentlemen commissioners, whose characters were so deeply implicated. And if investigation was to be had at all, it behooved it to be as full, free and unrestrained, as the good name of the State, and reputation of the commissioners, the importance of the work, and value of the donation required. Hence an investigation was ordered, and your committee, by each House of this honorable Legislature, appointed to prosecute the enquiry; which they have done, or endeavored to do, with a zealous and impartial view to the end designed, and with as careful an observance of economy as the measure would allow.

The result of their investigation is to be gathered from a book, submitted herewith, as a part of this report, containing all the facts they have been able to collect; and which they feel a pleasure in saying, in their opinion, relieves the State and the commissioners from all manner of blame, and must satisfy all, of the true causes which led to the dissatisfaction which has existed; it having, for the most part, arisen from the misconstruction of the law (as before adverted to in this report) in allowing floats on cultivated lands, in allowing preferences to settlers after the 1st of June, 1828, and in the inequality of valuation; all of which, if errors, were certainly involuntary and unpremeditated ones. Your committee suppose, that in the adjustment of so many subjects of controversy, as were brought before the commissioners by occupants, that error in decision might have occasionally occurred; as from the fallibility of human discernment might have been expected and inferred; and although this may be the case, yet your committee are filled with the conviction that your honorable body are endowed with no power to make correction; and, as to the allowance to preferences, after the period as designated in the act, that has certainly had no tendency to create injury to the State. A further result of the investigation, has been a disclosure of the true causes which led to the placing of so improper and exaggerated an estimate on the value of the donation or grant—and what is yet more, it will, as your committee believe, evince, besides, the accomplishment of two objects by no means of light import; the substantiation of our good faith, by a manifesting of the fair and just price of the lands granted, and the protection of the occupant. And your committee believe, that if good faith has been observed by the Legislature of the State, and by the commissioners, the deputed agents of the State, the many highly colored statements which have gone abroad, which rumor with her falsifying tongue, has amplified and disseminated without the stable basement of truth, whereon to found them, will no longer be suffered to rest over and tarnish the fame, or clothe with the dark vestment of suspicion, the fair reputation of any individual concerned. All of which, for your consideration, is respectfully submitted.

ENOCH PARSONS,
HENRY GOLDIHWAIT, E.
THOS. FEARN, Chairman on the part
of House of Representatives.

JOHN B. HOGAN,
THOS. CRAWFORD,
JAS. ABERCROMBIE, Chairman on
part of the Senate.

Your committee having been compelled to employ a messenger, and, from the multiplicity of the testimony and its voluminous nature, to call in the aid of a secretary, and also to send for witnesses, beg leave to recommend to your honorable body to enact such a law as may be just for the remuneration of the services rendered by the aforesaid assistants, and to make compensation to such witnesses as by their attendance may be found entitled thereto.

Ordered, that the report lie on the table. Mr Jackson offered the following resolution: *Resolved*, that 500 copies of the report of the joint committee appointed by both Houses of the General Assembly, to inquire into the conduct of the land commissioners, with power to send for persons and papers, together with the names of witnesses examined, be ordered to be printed for the use of the Senate; that a committee be appointed to have the same executed, and that the printer be paid for printing said report. Mr Pickett offered the following amendment to the resolution: *And that the same be paid out of the funds arising from the 400,000 acres of land granted by the United States to the state of Alabama, for internal improvement; and that all other expenses attendant on the examination, made by said committee, on which said report is founded, be paid out of the same fund; which was rejected.* Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Conner, Garth, Irwin, Merriwether, Perry, Pickett, Smith, Walthall and Watkins — Those who voted in the negative are Mr President, Crawford Edmondson, Evans, Hogan, Hubbard, Jackson, Moore, Merton, Vining and Wood.

Mr Hogan moved to amend the resolution by striking out *one thousand* the number of copies of the report proposed to be printed, with a view of inserting *two hundred*. Mr Jackson moved that *five hundred* copies be printed, which was carried. The question was then put on the adoption of the resolution, and decided in the affirmative. Yeas 13—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Jackson, Irwin, Merriwether, Moore, Morton and Vining. — Those who voted in the negative are Mr President, Conner, Perry, Pickett, Smith, Walthall, Watkins and Wood.

So the resolution was adopted: whereupon messrs Jackson, Abercrombie and Crawford were appointed the committee to superintend the printing of the report.

Mr Hubbard introduced a bill to be entitled an act to repeal in part and amend an act concerning witnesses, passed Feb. 10, 1807; which was read and ordered to a second reading on Monday next.

Mr Hogan introduced a bill to be entitled an act supplemental to the act establishing the Bank of the State of Alabama; which was read and ordered to a second reading on Monday next.

Mr Walthall called up the joint memorial to the Congress of the United States, asking relief to the purchasers of public lands, and for other purposes. The memorial was amended on Mr Walthall's motion, and referred to a special committee, consisting of messrs Jackson, Walthall and Morton, to examine and report thereon.

Mr Abercrombie, from the committee on county boundaries to which was referred a resolution instructing them to inquire into the expediency of dividing Franklin county, reported that it is inexpedient to divide said county; which was concurred in.

A bill to be entitled an act further to relieve insolvent debtors, was read the second time and referred to the committee on the judiciary.

A bill to be entitled an act to alter the time of holding the circuit courts in the counties of Limestone and Lawrence, was read the second time and referred to the same committee.

An engrossed bill to be entitled an act to incorporate the Sims' female academy in the town of Tuscaloosa, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to extend the limits of Monroe county, and to designate the dividing line between the counties of Monroe and Clarke, was read the third time. Mr Smith moved to amend the bill by way of rider, by adding the words *and the west bank of said river shall be the dividing line between the counties of Monroe and Clarke*. Mr Jackson moved to amend the proposed amendment, by adding thereto the words *So far as the river is now the dividing line between said counties*. Mr Jackson moved that the bill, together with the proposed amendments be committed to the committee on county boundaries; which was lost. Yeas 4—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are Messrs Edmondson, Jackson, Merriwether and Watkins. — Those who voted in the negative are Mr President, Conner, Crawford, Evans, Garth, Hogan, Hubbard, Irwin, Moore, Morton, Perry, Pickett, Smith, Vining and Walthall.

The question was then put on the adoption of the amendment proposed by Mr Jackson, and decided in the negative. Yeas 8—Nays 11.

The yeas and nays being desired those who voted in the affirmative are Mr President, Crawford, Edmondson, Jackson, Merriwether, Morton, Walthall and Watkins. — Those who voted in the negative are messrs Conner, Evans, Garth, Hogan, Hubbard, Irwin, Moore, Perry, Pickett, Smith and Vining.

The question was then put on the adoption of the amendment proposed by Mr Smith to the bill, and determined in the affirmative. Yeas 13 Nays 6.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Conner, Edmondson Evans, Garth, Hogan, Hubbard, Irwin, Moore, Perry, Pickett, Smith and Vining.—Those who voted in the negative are Messrs Crawford, Jackson, Merriwether, Morton, Walthall and Watkins.

The bill was then passed as amended. *Ordered*, that the title be as aforesaid, and that it be sent to the House of Reps. for their concurrence.

A bill to be entitled an act to establish a turnpike road therein mentioned, was read the second time, and ordered to a 3d reading on Monday next.

Mr Smith moved that the Senate adjourn till Monday morning at 10 o'clock, which was lost. Yeas 7—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Conner, Hogan, Morton, Perry, Smith and Watkins.—Those who voted in the negative are messrs Crawford, Edmondson, Evans, Garth, Irwin, Jackson, Merriwether, Pickett, Vining and Walthall.

Mr Hogan moved that the Senate adjourn till 3 o'clock this evening, which was lost. Yeas 7—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are Messrs Conner, Garth, Hogan, Morton, Perry, Watkins and Wood.—Those who voted in the negative are Mr President, Crawford, Edmondson, Evans, Irwin, Jackson, Merriwether, Pickett, Smith, Vining and Walthall.

Ordered, that the bill entitled an act to reduce the price of the public lands in the counties of Madison and Morgan to the price of like lands in other counties, together with the amendment proposed thereto, lie on the table till Monday next.

A bill to be entitled an act to emancipate a certain slave therein named, was read the second time and ordered to be engrossed for a third reading on Monday next.

On motion of Mr Jackson, ordered that the committee of the whole be discharged from the consideration of the bill entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes. *Ordered*, that the bill be committed to a special committee; whereupon messrs Jackson, Hubbard and Morton were appointed.

A bill to be entitled an act authorizing the general government to appropriate the funds arising from the sale of the lands granted to this state for the improvement of the navigation of the Tennessee river, and to construct and execute the contemplated improvement in the Muscle Shoals, under their own direction and control, was read the second time and referred to a special committee, consisting of messrs Pickett, Perry and Hogan.

A bill to be entitled an act for the relief of Benjamin Hudson, was read the second time and referred to a special committee, consisting of messrs Hogan, Morton and Wood, to consider and report thereon.

And then the Senate adjourned till Monday morning 10 o'clock.

Monday, January 4, 1830.

The Senate met pursuant to adjournment.

Mr Crawford presented the petition of Eleanor Cates, of Bibb county, widow of John Cates, deceased, stating that her husband in his lifetime was one of the securities of Daniel Harrison, tax collector of Bibb county for the year 1828; that said Harrison had the misfortune to be robbed of a large sum of public money; and praying that the claim of the state against the estate of said Cates may be remitted and released, or that indulgence may be given for the payment of the amount due; which was read and laid on the table.

Mr Perry, from the committee on the judiciary to which was referred a bill to be entitled an act to alter the times of holding the circuit courts of Limestone and Lawrence counties, reported the same without amendment. Mr Edmondson moved that the further consideration of the bill be indefinitely postponed, which was carried.

An engrossed bill to be entitled an act to emancipate a certain slave therein named, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Joint memorial to the Congress of the United States, praying a removal of the land office from Huntsville to Courtland, was read the second time. Mr Vining moved that the memorial be referred to a special committee, which was carried: whereupon messrs Vining, Hubbard and Garth were appointed the committee.

A message from the House of Representatives by mr McClellan: Mr President—The House of Representatives have read three several times and passed a bill which originated in their House, entitled an act for the benefit of the estate of Charles King, deceased: in which the desire the concurrence of the Senate.

The bill mentioned in the foregoing message, was read the first time and ordered to a second reading to-morrow.

A bill from the House of Representatives, entitled an act regulating proceedings in certain actions of detinue, was read the third time and passed. *Ordered*, that the secretary acquaint the House of Reps. therewith.

A bill to be entitled an act to authorize the guardians of the minor heirs of Samuel Bones, deceased, to sell and convey certain real estate, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act for the relief of Edmond Prince, was read the second time. On motion of mr Perry, ordered that the bill be committed to the committee on education.

Mr Walthall, from the special committee to which was referred the joint memorial to the Congress of the U. States, asking relief to the purchasers of public lands and for other purposes, reported the same as amended, which was concurred in. Mr Hubbard moved to strike from the memorial the words *six hundred and forty acres*, where it reads thus: "In cases where the purchaser from the U. States has relinquished lands, and is also the occupant, to permit him, her, or them, to enter at the minimum price of public lands, the parts relinquished, provided the same does not exceed *six hundred and forty acres*, and to insert in lieu thereof, three hundred and twenty acres;" which was carried. The memorial was then read the third time and passed. *Ordered*, that the title be as aforesaid, and that the memorial be sent to the House of Representatives for their concurrence.

Mr Perry, who voted in the majority, moved to reconsider the vote of the Senate ordering the bill entitled an act for the relief Edmond Prince, to be referred to the committee on education; which was carried. The question was then put on referring the bill to the committee on education, and decided in the negative. Yeas 8—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are Messrs Conner, Crawford, Evans, Irwin, Merriwether, Perry, Vining and Wood.—Those who voted in the negative are Mr President, Abercrombie, Edmondson, Garth, Hogan, Hubbard, Jackson, Moore, Morton, Pickett, Smith and Walthall.

On motion of mr Jackson, ordered that the bill be committed to the committee on the judiciary.

Mr Hogan, from the special committee to which was referred a bill to be

entitled an act for the relief of Benjamin Hudson, reported the same as amended; which was concurred in. Mr Crawford offered the following amendment to the bill: "*And be it further enacted*, that Green B. Woolley, one of the securities of Daniel Harrison, and Hugh Henry, adm'r of the estate of John Cates, dec'd, the other security of Daniel Harrison, dec'd, late tax collector for the county of Bibb, shall have until the first day of January next to pay into the state treasury the balance of the state tax of the county of Bibb for the year 1828, which shall not then have been collected from the estate of Daniel Harrison, dec'd, *provided* the securities of the said Green B. Woolley and Hugh Henry shall file their consent in writing to the extension of time in the office of the comptroller of public accounts before the first day of March next;" which was adopted. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Moore from the joint committee on enrolled bills, reported as correctly enrolled an act to give the circuit courts of this state power to render judgements final against the securities in writs of error bonds; an act to authorize the courts of this state to render final judgements against the securities of nonresidents for costs; and, an act to change the name of Wm. Tankersly to that of Wm. Parmer: all of which were accordingly signed by Mr President.

Mr Perry, from the committee on the judiciary to which was referred a bill to be entitled an act to change the time of holding the circuit courts in Henry, Dale and Covington, reported the same as amended; which was concurred in. The bill was then read the third time and passed. *Ordered*, that the words *Mobile and Baldwin* be added to the caption, and that the bill be sent to the House of Representatives for their concurrence.

A message from the House of Representatives by Mr McClellan: Mr President—The House of Representatives have read three several times and passed bills which originated in their house, entitled an act to extend relief to the estate of John Cates, dec'd; an act to amend an act to authorize the building of a jail in Morgan county: In which they desire the concurrence of the Senate.

A bill entitled an act to amend an act to authorize the building a of jail in Morgan county, was read the first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and ordered to a third reading to-morrow.

A bill entitled an act to extend relief to the estate of John Cates, dec'd, was read and ordered to lie on the table.

A bill to be entitled an act amendatory of the laws of this state on the subject of confining prisoners committed upon process from the courts of the United States, was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

The Senate resumed the consideration of the bill entitled an act to reduce the price of public lands in the counties of Madison and Morgan to the price of like lands in other counties. The amendments proposed by the special committee to the bill were concurred in. Mr Hubbard moved that the bill be recommitted to a special committee, which was carried. Yeas 15—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Crawford, Edmondson, Hogan, Hubbard, Irwin, Jackson, Merriwether, Moore, Morton, Perry, Smith, Watkins and Wood.—Those who voted in the negative are Messrs Conner, Evans, Garth, and Pickett.

Whereupon messrs Hubbard, Garth and Jackson were appointed the committee.

Mr Merton introduced a bill to be entitled an act to reduce the county tax of the county of Franklin, which was read and ordered to a second reading to-morrow.

And then the Senate adjourned till three o'clock this evening.

EVENING SESSION.—A bill to be entitled an act to amend an act entitled, an act to regulate the licensing physicians to practice and for other purposes therein named, passed December 22d, 1823, was read the second time and referred to a special committee consisting of messrs Watkins, Perry and Merriwether.

A bill to be entitled an act to limit the term of the supreme court, was read the second time, and ordered to be engrossed for a third reading to-morrow.

Mr Hubbard, from the special committee to which was referred a bill to be entitled an act to reduce the price of the public lands in the counties of Madison and Morgan to the price of like lands in other counties, reported the same as amended, which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

A bill to be entitled an act to authorize justices of the peace to take bail in certain cases, was read the second time and ordered to be engrossed for a third reading to-morrow.

The following communication was received from the Governor by Mr Thornton:

EXECUTIVE DEPARTMENT, January 6, 1830.

The Hon. the president and members of the Senate.

I have the honor to lay before your honorable body the letter of the secretary of the territory of Florida, transmitting a copy of an act of the legislative councils of the territory of Florida, passed at their late session, authorizing practitioners of law, residing in Alabama to practice in the courts of the territory, whenever the state of Alabama shall enact a law reciprocating that privilege in her courts, to the practitioners of the territory. I have the honor to be, very respectfully, your obedient servant.

GABRIEL MOORE.

Ordered, that the communication together with the accompanying documents be referred to the committee on the judiciary.

Mr Hubbard offered the following resolution: *Resolved*, with the concurrence of the House of Representatives, that the Senate will assemble in the hall of the House of Representatives on to-morrow at one o'clock p. m. for the purpose of going into the election of judges of the county courts for Lawrence and Blount counties. Mr Irwin moved to strike from the resolution *one* and insert *seven o'clock*; which was lost. The resolution was then adopted. *Ordered*, that the secretary acquaint the House of Representatives therewith, and desire their concurrence.

Mr President presented the following communication from the comptroller of public accounts:

COMPTROLLER'S OFFICE, Jan. 4, 1830.

Hon. President of the Senate:

Sir—In reply to the resolution of the Senate, calling on me to furnish for their information the amount of taxes paid by the auctioneers of the city of Mobile for the year 1820, &c. down to 1829 inclusive, setting forth the name of each auctioneer, and the amount paid by the same and to whom paid; I respectfully submit a table shewing the amount of duties upon sales at auction, in the county of Mobile annually returned to this office from the first of January 1820, to first of January 1830. the name of each auctioneer making return, and the amount of duties returned by each.

Amount of sales in 1820, Armstrong, Heart & Co. returned \$672 83; Peters & Stebbins, 69 33; J. S. Patton, 219 03; C. Heartt, 213 42; Robertson & Barnwell 171 19; aggregate amount returned in 1820, 1345 81. In 1821 Robertson and Barnwell returned \$975 59. In 1822, C. Heartt returned \$208 99; Robertson and Barnwell, 329 52; John M. Edney, 52 94; P. McLosky, 200; aggregate amount returned in 1822, \$593 46. In 1823, Robertson and Barnwell returned \$400 00; John M. Edney, 255 96; Christopher Heartt, 50 00; Jackson and Swift, 73 19; P. H. V. Lisle, 10 21½; aggregate amount returned in 1823, \$789 37½. In 1824, M. Durand returned \$611 28; Robertson and Barnwell, 493 90; Jackson and Swift, 62 88; George Davis & Co. 114 54; P. V. A. Lisle, 81 97; aggregate amount returned in 1824, \$1364 57. In 1825, M. Durand & Co. returned \$579 72; Jackson and Swift up to first July, 13 88; James Campbell, 984 06; Robertson and Barnwell up to first July, 4 60; Thomas L. Hallett, from 1st April to 1st July, 123 00; aggregate amount returned in 1825, \$1705 26. In 1826, Robertson & Barnwell returned \$1772 10; James Campbell, 533 73½; M. Durand & Co. 578 71½; S. A. Carpenter, up to 1st April 8 33½; aggregate amount returned in 1826, \$2973 65. In 1827, M. Durand returned \$103 73½; Robertson and Barnwell, from first July, 1826, to first July, 1827, 122 74; James Campbell, 804 88½; aggregate amount returned in 1827, \$1531 36¼. In 1828, M. Durand returned 314 77; Jeremiah Rea, 166 09½; James Campbell, from first April to last Dec. 185 06½; aggregate amount returned in 1828, 665 93¼. In 1829, M. Durand returned up to first Oct. \$236 67; Jeremiah Rea, up to first Nov. 213 06½; James Campbell, up to same time, 102 38; Wells and Rea, up to first April, 89 73½; A. Batre returns that he has made no sales up to June 11th; aggregate returned in 1829, \$639 85.

By a comparison of this with the communication, I had the honor of submitting a few days past to each branch of the legislature upon the same subject, a disparity will discover itself between the aggregates then, and those now reported as having been returned in the years, 1823, 1826, 1827, and 1828. These discrepancies I feel it due to myself to explain. In preparing my first communication on this subject, I adopted, as my guide, the book of this office in which the amount of auction duties, annually returned, is placed to the account of the taxcollector of the proper county. When however, the call was made for more explicit and further information, I found it necessary to go farther to examine the returns themselves, and calculate the amount of duties chargeable to each auctioneer. Upon data thus derived are measurably founded the preceding results. There is one year however, (1824) of which I have been unable to find on file in this office any return of auction sales in Mobile; So far therefore the above report is based upon the entries in the account book. Among the returns for 1823, I find one upon which the duties amount to \$255 96, which does not appear to have been charged to, satisfied, or in any manner accounted for by the collector of that year or any one else. This fact explains the difference between the aggregate return of that year, heretofore reported and the one now reported. The slight variance in the aggregate returns of 1826 and 1827, as before exhibited, and as now exhibited, may be the consequence of error in my calculations, but as I have attained the latter by my own investigation, I prefer retaining them in this report. I met with considerable embarrassment in adjusting the returns of 1827 and 1828 arising from the peculiar manner, in which the accounts of the tax collectors of those year for Mobile, are made out. The duplicity in the account of 1827 itself, and the want of some part of the returns charged.

One of the items charged to the collector of 1827 is in these words: "To M. Durand's auction returns from first January, 1828 to first April, 1828, deducting one third for city hospital \$141 28 cents." And another item in the same account, just below is in these words: "Amt. auction returns, first quarter of 1828, of Campbell, Durand and Wells, and Rea, \$315 05 cents," from which it appears to me evident, with no other light than the account book, that the collector of 1827, has been twice charged to the amount of \$11 25 cents, to the return of M. Durand for the first quarter of 1828. I have searched in the office in vain for any document which might explain this difficulty. The returns of Wells and Rea and of Campbell for the first quarter of 1828, comprehended in the second item above, set forth of the said account of 1827, not being on file, presented another barrier to a certainly correct conclusion relative to the true amounts respectively returned in these last mentioned years. For these reasons, I have left out of the account for the year 1828, the sum of \$315 05, which produces the variance between the aggregates for that year, in the two reports.

In answer to so much of the said resolution as calls for information to whom the said duties have been paid, I respectfully inform the Senate that my office affords no authentic evidence upon that subject, further than the presumption of law that they have been paid to the taxcollector of the year in which they respectively became due. I would however remark, that there are on file some letters and memoranda, of several auctioneers of 1827 and 8, indicating to whom they had severally paid their duties. By these it is evidenced that all the duties of 1827 were paid to Mr James P. Bates, the collector for Mobile in that year, and also the duties for the 1st quarter of 1828, upon the sales of M. Durand and of Jeremiah Rea, were also paid to the same gentleman. Upon the same authority, it likewise appears that the remaining duties of 1828 upon the sales of Durand and of Rea, were paid to Mr Joseph Bates, jun. the collector for 1828. This evidence is corroborated by the fact, that the charges in the account book are made in conformity thereto and have been fully satisfied. Very respectfully,
 GEORGE W. CRABB.

Ordered, that the communication be referred to the special committee appointed on the report heretofore made by the comptroller on the same subject.

A joint memorial requesting a grant of lands by the Congress of the United States for the use of a female academy in each county in this state, was read a second time and referred to the committee on education.

A bill to be entitled an act to allow the solicitors of the several circuits a copy of Minor's reports, was read the second time and ordered to be engrossed for a third reading to morrow.

A bill to be entitled an act for the relief of Henry Sossaman, was read the second time. Mr Perry moved to amend the bill by adding the words *which said sum shall be repaid into the treasury out of the seat of government fund*, which was carried. Yeas 13—Nays 8.

The Yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie Conner Crawford Evans Garth Irwin Jackson Morton Perry Pickett Smith Walthall and Watkins — Those who voted in the negative are Mr President Edmondson Hogan Hubbard Merriweather Moore Vining and Wood.

Ordered, that the bill be engrossed for a third reading to morrow.

A bill from the House of Representatives entitled an act to establish a turnpike road road therein mentioned, was read the third time and passed.

Ordered, that the secretary acquaint the House therewith.

A bill to be entitled an act supplemental to an act establishing the Bank

of the State of Alabama was read the second time and referred to the committee on the State Bank.

A bill to be entitled an act to repeal in part an act concerning witnesses passed Feb. 16, 1807; and an act making an appropriation for the increase of the supreme court library,—were severally read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to incorporate the Marion academy in Perry county, was read the second time and ordered to third reading to-morrow.

A bill to be entitled an act to prevent the evil practice of betting on elections, was read the second time and referred to a special committee, consisting of messrs Jackson, Hubbard and Moore.

Joint resolution requiring the offices of the comptroller and treasurer to be examined annually, and, an act for the relief of Andrew O. Horn, tax collector of Lawrence county,—were severally read the second time and ordered to a third reading to-morrow.

A bill to be entitled an act farther to provide for the location of the seat of justice in Pickens county, was read a second time and referred to a special committee, consisting of messrs Merriwether, Wood and Walhall.

A bill to be entitled an act to provide for drawing and compensating jurors to attend on the county courts of Lawrence, Franklin and Morgan counties, and for other purposes, was taken up. Mr Morton moved to strike out *Franklin county*, wherever it occurs in the bill; which was carried. Mr Garth moved to strike out 24 and insert 12, as the number of jurors to be drawn to attend on the county courts of said counties; which was carried. The question was then put shall the bill pass? and determined in the affirmative. *Ordered*, that the secretary acquaint the House therewith.

Mr Crawford introduced a joint resolution instructing our Senators and requesting our Representatives in Congress to use their exertions to procure a remission of the duties which may accrue upon the importation of a library and apparatus for the University of Alabama, which was read and ordered to a second reading to-morrow.

Mr Jackson called up the bill to be entitled an act to alter and amend an act entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named. *Ordered*, that the bill be committed to the committee on the judiciary.

Joint memorial to the Congress of the United States praying indemnity for losses sustained by the depredations of the Creek Indians, was read a second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to authorize a road from the northeast corner of capitol square in the town of Tuscaloosa to the Warrior river where the western boundary of said town intersects the same; was read the 2d time and referred to a special committee consisting of messrs Hubbard, Perry and Abercrombie to consider and report thereon.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Tuesday, January 5, 1830.

The Senate met pursuant to adjournment.

Mr Morton presented the petition of sundry citizens of Franklin county praying the passage of law incorporating a company to make a rail road from Tuscumbia to some eligible point on the Tennessee river, which was read and referred to a special committee consisting of messrs Morton, Hubbard and Edmondson.

Mr Morton presented the petition of sundry citizens of Franklin county praying that said county may be divided, which was ordered to lie on the table.

Mr Wood, from the military committee, submitted the following report:

The committee to whom was referred so much of his excellency's message as relates to military affairs, have had the same under consideration, as well as the accompanying document, [the adjutant general's return,] and would beg leave to remark, that the return of that officer is a bare abstract of the returns received, without specifying from whom received, or who are delinquent. Your committee are of opinion, that the annual report of that officer ought to specify the strength of each division, as well as each brigade within the same, and also to note every regiment that has made no return. The law requires that the adjutant of each regiment shall make out a regimental return of its strength and condition, and forward one copy to the assistant adjutant general of the brigade to which his regiment is attached, and also to forward to the seat of government a copy directed to the adjutant general of the state. And it is made the duty of the assistant adjutant general to consolidate the regimental returns of his brigade, and forward to the division adjutant general a copy; and it is made the duty of the division adjutant general to consolidate all the brigade returns in his division, and forward a copy to the adjutant general at the seat of government; and it then becomes the duty of the adjutant general of the state to consolidate the whole; and should any division return fail to reach him, he is to make up his return from the regimental returns forwarded by the adjutants of regiments; the return, therefore, ought to shew who has done his duty, and who are delinquents. The importance of having full returns is too obvious to need any comment. But the defect does not exist in the law, but in the administration of the same. It is in the power of a court martial to fine a major or lieutenant general in any sum from 1 to 100 dollars for failing to perform any of the duties required by the militia laws of this state. Corresponding fines are imposed on colonels, lieutenant-colonels, majors, &c. Your committee are, therefore, of opinion that, to ensure punctuality in future, it is necessary to instill life and vigor in the militia, by a rigid exaction of duties from all those who have sought and accepted commissions in the same. In order to obtain this desirable object, your committee are of opinion that his excellency should cause all delinquent officers to be brought forthwith before a court martial and punished as the law directs. If this is done and persevered in, your committee feel assured that a new era will arise in the militia of this state. But the apathy which has prevailed among those placed high in command in the militia, has been too culpable, and all the negligence which pervades the whole militia of this state is attributable to this one fact, that no subordination has been kept up by those whose duty it was to compel the subordinate officers to rigidly perform their duties. In asking officers to do this, you ask nothing from them but what they have promised to perform when they sought the commission they now hold; and they can blame no one but themselves if they are punished for neglecting the duties they have pledged to perform.

Your committee have also had under consideration a resolution instructing them to inquire into the expediency of establishing a state arsenal in the vicinity of Mobile, and although they believe such an establishment might be beneficial, yet they deem it inexpedient to legislate on the subject at present. Your committee have taken into consideration a resolution instructing them to inquire into the expediency of fixing by law, the days on which musters and courts martial should be held, and are of the opinion that it is unnecessary to make any alteration of the law on that subject. All of which is respectfully submitted, and the committee beg leave to be discharged from the further consideration of the same.

Ordered, that the report lie on the table.

A message from the House of Representatives by mr Van Dyke: Mr President—the House of Representatives have instructed me to inform your honorable body that they have concurred in the resolution of your honorable body proposing to go into the election of judges of the county courts of Lawrence and Blount counties at 1 o'clock this day and have amended the same by striking out *one* and inserting *three*, in which they desire the concurrence of the Senate. Mr Irwin moved to amend the amendment to the resolution by striking out the word *three* and inserting in lieu thereof the word *seven*, which was lost. *Ordered*, that the senate concur in the amendment made by the House of Representatives to the resolution, and that the secretary acquaint the House therewith.

A message from the House of Representatives by mr Van Dyke: mr President—the House of Representatives have read three several times and passed a joint resolution from the Senate entitled joint resolution proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof, and have amended the same as herewith shewn, in which amendments they ask the concurrence of your

honorable body. The question being put on concurring in the amendments made by the House of Representatives to the joint resolution, it was decided in the affirmative. Yeas 20—Nays none.

The yeas and nays being desired, those who voted in the affirmative are Mr. President, Abercrombie, Conner, Crawford, Edmondson, Garth, Hogan, Hubbard, Irwin, Jackson, Merriwether, Moore, Morton, Perry, Pickett, Smith, Vining, Walthall, Watkins and Wood.

Mr Pickett, from the special committee to which was referred the bill entitled an act authorizing the general government to appropriate the funds arising from the sales of the lands granted to this State for the improvement of the navigation of the Tennessee river, and to construct and execute the contemplated improvement in the Muscle Shoals under their own direction and control, reported the same without amendment. *Ordered*, that the bill lie on the table.

Mr Perry, from the committee on the judiciary to which was referred a bill to be entitled an act for the relief of Edward Price, reported the same without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to morrow.

Engrossed joint memorial praying indemnity for losses sustained by the depredations of the Creek Indians, was read the third time and passed. *Ordered*, that the memorial be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act making an appropriation for the increase of the library of the supreme court; and an act to limit the terms of the supreme court, were severally read the third time and passed. *Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act for the relief of Benj Hudson, and Wm. Alsobrooks, was read the third time and referred to a special committee consisting of messrs Crawford, Morton and Conner, to consider and report thereon.

An engrossed bill to be entitled an act for the relief of Henry Sossaman, was read the third time. Mr Hubbard moved that the blank in the bill be filled with *fifteen hundred dollars*, which was lost. Mr Hubbard then moved that the blank be filled with *fourteen hundred and fifty dollars*, which was also lost. Mr Hubbard then moved to fill the blank with *twelve hundred dollars*, which was lost. Yeas 8—Nays 13.

The yeas and nays being desired those who voted in the affirmative are Mr President Edmondson Hubbard Jackson Moore Morton Smith and Wood — Those who voted in the negative are Messrs Abercrombie Conner Crawford Evans Garth Hogan Irwin Merriwether Perry Pickett Vining Walthall and Watkins.

Mr Hogan moved to fill the blank with *one thousand dollars*, which was carried. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are Mr President Edmondson Hogan Hubbard Jackson Merriwether Moore Morton Smith Vining and Wood. — Those who voted in the negative are Messrs Abercrombie Conner Crawford Evans Garth Perry Pickett Walthall and Watkins.

The question was then, put shall the bill pass? and decided in the negative. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are Mr President Edmondson Hogan Hubbard Jackson Moore Morton Smith Vining and Wood — Those who voted in the negative are Messrs Abercrombie Conner Crawford Evans Garth Irwin Merriwether Perry Pickett Walthall and Watkins.

Engrossed bills of the following titles: an act to authorize justices of the peace to take bail in certain cases; an act to reduce the price of public lands in the counties of Madison and Morgan to the price of like lands in other counties; an act to authorize the guardians of the minor heirs of Samuel

Bones, deceased, to sell and convey certain real estate; an act allowing solicitors of the several circuits a copy of Minor's reports; and, an act to repeal in part and amend an act concerning witnesses, passed 10th February 1807, were severally read the third time and passed. *Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

Bills from the House of Representatives entitled an act for the relief of Andrew O. Horn, tax collector of Lawrence county; an act to amend an act to authorize the building of a jail in Morgan county; and, and an act to incorporate Marion academy in Perry county, were severally read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Morton introduced a bill to be entitled an act to authorize James Davis and associates to turnpike a certain road therein named, which was read and ordered to a second reading to morrow.

Mr Crawford, from the special committee to which was referred a bill to be entitled an act for the relief of Benjamin Hudson and William Alsbrooks, reported the same as amended, which was concurred in. The question was then put, shall the bill pass? and decided in the affirmative. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence?

A bill to be entitled an act to reduce the county tax of Franklin county, was read the second time and ordered to be engrossed for a third reading to-morrow.

Joint resolution from the House of Representatives requiring the offices of comptroller and treasurer to be examined annually, was read the third time and passed. *Ordered* that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act for the benefit of the estate of Charles King, deceased, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Joint resolutions instructing our Senators and requesting our Representatives in Congress to use their exertions to procure a remission of the duties which may accrue upon the importation of a library and apparatus for the University of Alabama, was read a second time and ordered to be engrossed for a third reading to-morrow.

Mr Hogan offered the following preamble and resolution: Whereas, it appears from the annual communication of the Governor that the bonds of sundry tax collectors of the late Mississippi territory, executed about fifteen years ago, have been transferred by the state of Mississippi to this state; and, whereas, it is represented to this General Assembly that many of the principals and securities in said bonds have either died or removed from this state; and, whereas, it is reasonable to presume that from the long delay which has taken place, that many of said bonds may have been paid and satisfied, and great injustice may be done in compelling the representatives of such deceased tax collectors, and the securities of those who may be absent, to make legal proof of such payments: Be it therefore resolved, that the committee on the judiciary be instructed to inquire into the propriety of instructing the comptroller to delay the commencement of suits on said bonds until after the close of the next session of the Legislature, to give time for a full inquiry into the subject of the liability of said tax collectors and their securities; which was adopted. Yeas 10—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Conner, Crawford, Hogan, Jackson, Moore, Morton, Smith, Vining and Wood. — Those who voted in the negative are Messrs Abercrombie, Edmondson, Evans, Hubbard, Irwin, Merriwether, Perry, Pickett and Walhall.

Mr Pickett called up the engrossed joint resolution proposing an amendment to the constitution of the state of Alabama, so as to limit the sessions of the General Assembly thereof. The question was put, Shall the resolution pass? the vote stood thus: Yeas 13—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Conner, Crawford, Edmondson, Evans, Hubbard, Irwin, Jackson, Merriwether, Perry, Pickett, Smith and Walhall. — Those who voted in the negative are Mr President, Hogan, Moore, Morton, Vining and Wood.

The President decided that a majority of two-thirds of the members elected to the Senate was necessary, under the constitution, to pass the resolution, and that it had not passed. An appeal having been taken from his decision to the Senate, it was decided by a majority of the members that the resolution had passed.

And then the Senate adjourned till 3 o'clock this evening.

EVENING SESSION, 3 o'clock. A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be informed that the House of Representatives is now ready to receive them in its hall for the purpose of going into the election of judges of the county courts of Lawrence and Blount counties.

Whereupon the members of the Senate repaired to the hall of the House of Representatives, and having taken their seats, Mr President arose and announced the object of their meeting: when the two Houses proceeded to elect a judge of the county court of Lawrence county. James B. Wallace being in nomination—For Mr Wallace 38 votes.

Those who voted for Mr Wallace, are Mr President, Abercrombie, Conner, Crawford, Edmondson, Evans, Hogan, Hubbard, Jackson, Merriwether, Moore, Morton, Perry, Pickett, Smith, Vining, Walhall, Watkins and Wood. Reps. Mr Speaker, Acklen, Baker, Banks, Bibb, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Cook, Coopwood, Curtis, Dale, Dennis, Durrett, Ellis, Fearn, Flournoy, Forrest, Goldthwaite, Greene, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jack, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, McEldery, Metcalfe, Mims, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young.

James B. Wallace having received a majority of the whole number of votes, was declared by Mr Speaker to be duly elected judge of the county court of Lawrence county.

The two Houses then proceeded to elect a judge of the county court of Blount county. Marston Mead being in nomination—For Mr Mead 36.

Those who voted for Mr Mead are Mr President, Abercrombie, Conner, Crawford, Edmondson, Evans, Hogan, Hubbard, Jackson, Merriwether, Moore, Morton, Perry, Pickett, Smith, Walhall and Watkins. Reps. Mr Speaker, Acklen, Baker, Banks, Barclay Bates, Bibb, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Cook, Coopwood, Craig, Curtis, Dale, Dennis, Durrett, Ellis, Fearn, Flournoy, Forrest, Goldthwaite, Green, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jack, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Metcalfe, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young.

Marston Mead, having received a majority of the whole number of votes, was declared by Mr Speaker to be duly elected judge of the county court

of Blount county. The election being concluded, the Senate withdrew, returned to their own chamber, and Mr President resumed his chair.

Mr Morton moved to reconsider the vote on the question to postpone a bill entitled an act to alter the time of holding the circuit courts of Limestone and Lawrence counties; which was carried. The bill was then ordered to lie on the table.

Mr Perry moved to reconsider the vote of the Senate on the passage of a bill entitled an act for the relief of Henry Sossaman, which was carried. The bill was then referred to a special committee consisting of messrs Jackson, Hubbard and Perry.

And then the Senate adjourned till to-morrow morning at ten o'clock.

Wednesday, January 6th, 1830.

The Senate met pursuant to adjournment.

Mr Perry, from the committee on the judiciary to which was referred a bill to be entitled an act further to relieve insolvent debtors, reported the same without amendment. The bill was then amended on Mr Pickett's motion, and ordered to be engrossed for a third reading to-morrow.

Mr Crawford, from the special committee to which was referred the petition of Isaac A. Linden, praying the passage of a law, establishing a ferry on Coosa river, reported that the courts of roads and revenue of the respective counties possess the power to establish ferries in their counties, and further legislation is unnecessary, which was concurred in.

Mr Merriwether, from the special committee to which was referred a bill entitled an act further to provide for the location of the seat of justice in Pickens county, reported the same as amended; which was concurred in.

Ordered, that the bill be made the order of the day for a third reading to-morrow.

Mr Pickett moved to reconsider the vote of the Senate, overruling the decision of the President of yesterday, on the passage of the joint resolution, proposing an amendment to the constitution of the state of Alabama, so as to limit the sessions of the General Assembly thereof; which was carried. The question was then put on sustaining the decision of the President, in which he determined that the resolution had not passed, a majority of two thirds of the members elected to the Senate not having voted in the affirmative, and decided against the decision of the President. Yeas 9, Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Conner, Crawford, Evans, Garth, Hogan, Morton, Pickett, Vining and Watkins.

Those who voted in the negative are Messrs Abercrombie, Edmondson, Hubbard Irwin, Jackson, Merriwether, Moore, Perry, Smith, and Walthall.

Mr Perry moved to reconsider the vote of the Senate on the passage of the resolution; which was carried. The question was then put, Shall the resolution pass? and decided in the affirmative by the constitutional majority. Yeas 15—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hubbard, Irwin, Jackson, Merriwether, Perry, Pickett, Smith, Walthall and Watkins.—Those who voted in the negative are Mr President, Hogan, Moore, Morton, and Vining.

Ordered, that the title of the resolution be as aforesaid and that it be sent to the House of Representatives for their concurrence.

Mr Morton, from the special committee to which was referred the petition of sundry citizens of Franklin county, reported a bill to be entitled an act to incorporate the Tuscumbia rail way company; which was read and ordered to a second reading to-morrow.

Mr Morton called up the bill to be entitled an act to alter the times of

holding the circuit courts of the counties of Limestone and Lawrence. *Ordered*, that the bill be committed to a special committee, whereupon messrs Morton, Hubbard and Edmondson were appointed.

Mr Moore, from the joint committee on enrolled bills, reported as correctly enrolled, an act amendatory of the laws of this state, on the subject of confining prisoners committed upon process from the courts of the United States; and an act for the benefit of the estate of Charles King, dec'd; which were accordingly signed by mr President.

Mr Crawford introduced a joint resolution, requesting the Governor to open a correspondence with the Governors of the other states, for certain purposes; which was read and ordered to a second reading to-morrow.

Mr Morton introduced a bill to be entitled an act to amend the law on the subject of providing and recording deeds; which was read and ordered to a second reading to-morrow.

Mr Crawford introduced a bill to be entitled an act better to regulate the issuing of licenses to retailers of spiritous liquors; which was read and ordered to a second reading to morrow.

A message from the House of Representatives by mr McClellan: Mr President—The House of Representatives have adopted a resolution to procure a survey of the proposed canal rout between the rivers Anoy and Conasauga; and have passed a bill entitled an act to appoint commissioners to mark and lay out a certain roed therein specified,—both of which originated in the House of Representatives and in which they desire the concurrence of the Senate.

The bill and joint resolution mentioned in the foregoing message, were severally read the first time in the Senate and orde.ed to a second reading to-morrow.

Mr Moore introduced a bill to be entitled an act to establish a turnpike road on Cumberland mountain, which was read and ordered to a second reading to-morrow.

Mr Walthall introduced a bill to be entitled an act to give the decrees of the orphan's court on final settlements, the force and effect of judgements at law; and the rule requiring bills to be read on the several days being dispensed with, the bill was read the second time forthwith, and referred to the committee on the judiciary.

A bill to be entitled an act to authorize James Davis and associates to turnpike a certain road therein named, was read the second time. Mr Smith moved to strike from the bill "twenty years," the time during which the bill proposes the right to receive toll shall continue; which was carried. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to morrow.

Mr President laid before the Senate the following communication from the comptroller of public accounts:
Hon President of the Senate:

Sir—Pursuant to a resolution of the Senate directing the comptroller of public accounts "to furnish them with the amount of license issued by the county court of Mobile county; and the amonnt of money received by him in 1829, and if not paid, to inform them what prospect there is to collect the same," I have the pleasure through you to inform the Senate, that I find in the office a return of Hugh H. Rolston, esq. a former clerk of said court, comprehending the month of January and part of February, 1829, during which time, he returns that he granted license to retailers to the amount of 105 dollars. There has also been handed me by the taxcollector of Mobile for the year 1829, a return made to him by B. Brent Breeden, esq. late a clerk of said court, shewing an issuance of license by mr Brees

den while clerk of said court, (embracing the months from 5th of March to 1st of August, 1829) to the amount of 470 dollars, making the aggregate amount of duties upon license in said county, from 1st Jan. to 1st of Aug. 1829. \$575.

All I can say as to the payment of this money or the likelihood thereof; is that Mr Joseph Steele, the taxcollector of Mobile for 1829, when here a few weeks since, informed me he had collected nothing upon this score from Breeden, and that there was little or no probability of doing so, as he, Mr Breeden was considered unable to pay, and there had been an omission to take a bond of office from him. Verry respectfully, GEORGE W. CRABB.

Ordered, that the communication lie on the table.

Engrossed bill entitled an act to reduce the county tax of Franklin, and joint resolutions instructing our Senators and requesting our Representatives in Congress to use their exertions to procure a remission of the duties which may accrue upon the importation of a library and apparatus for the university of Alabama,—were severally read the third time and passed. *Ordered*, that the titles be as aforesaid and that they be sent to the House of Representatives for their concurrence.

Mr Perry called up the engrossed bill entitled an act to regulate certain proceedings of county courts. The question was then put, Shall the bill pass? and decided in the affirmative. *Ordered*, that the title of the bill be as aforesaid and that it be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act for the relief of Edmond Prince, was read the third time, and the question being put, Shall the bill pass? it was carried. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Conner, Edmondson, Hubbard, Irwin, Jackson, Moore, Morton, Pickett, and Walthall.—Those who voted in the negative are messrs Crawford, Evans, Garth, Hogan, Merriwether, Perry, Smith, Vining and Watkins.

Ordered that the title of the bill be as aforesaid and that it be sent to the House of Representatives for their concurrence.

Mr Morton, from the special committee to which was referred a bill entitled an act to alter the time of holding the circuit courts of Limestone and Lawrence counties, reported the same as amended, which was concurred in. The bill was then passed as amended. *Ordered*, that the title of the bill be an act to alter the time of holding the circuit courts of certain counties therein named. *Ordered*, that the secretary acquaint the House therewith.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Thursday, January 7, 1830.

The Senate met pursuant to adjournment.

Mr Wood presented the account of John B. Ayres against the State, which was referred to the committee on accounts and claims.

Mr Crawford, from the committee on education to which was referred a joint memorial requesting a grant of lands by the Congress of the United States for the use of a female academy in each county of this State, reported the same without amendment. The question was then put, shall the memorial pass? and decided in the affirmative. Yeas 11—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Crawford, Edmondson Merriwether, Moore, Morton, Perry, Vining Walthall Watkins and Wood.—Those who voted in the negative are Messrs Abercrombie, Evans, Garth, Hubbard, Jackson and Pickett.

So the memorial was passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Perry, from the special committee to which was referred the docu-

ments and proceedings accompanying the Governor's message relating to the formation and progress of a board in the city of New-York for the preservation and improvement of the Aborigines of America, reported that in the opinion of the committee no act of legislation on the part of this State is now deemed necessary; the committee therefore asked to be discharged from the further consideration of the subject, which was agreed to.

Mr Perry, from the same committee to which was referred the communication of the Governor of Louisiana on the subject of the transportation of slaves into that state, reported that it is inexpedient in the opinion of the committee at this time to legislate upon the subject, and they therefore ask leave to be discharged from the further consideration of the subject, which was agreed to.

Mr Vining, from the special committee to which was referred the joint memorial to the Congress of the United States praying a removal of the land office from Huntsville to Courtland, reported the same as amended by striking out *Courtland* and inserting the words *at some central point in said district*, which amendment was concurred in. Mr Vining moved further to amend the memorial by striking therefrom the following words: *The United States' land office now at Huntsville is so far from the centre of the public lands within the district that our citizens who have to purchase those lands are put to much inconvenience and expense in going to and returning from said land office, which, under their present embarrassed circumstances, operates much to their injury. Your memorialists further represent to your honorable body, that there is but little of the relinquished lands in Madison county, where the office is now located, and that Courtland, in Lawrence county, is near the centre of the tract of country forming the counties of Limestone, Lauderdale, Lawrence, Morgan, Walker, Marion and Franklin, containing nearly 60,000 inhabitants, and much the greater portion of the public lands yet to be sold;*—which motion was lost. Yeas 6—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Evans, Hogan, Perry, Pickett and Vining—Those who voted in the negative are Messrs Crawford, Edmondson, Garth, Hubbard, Irwin, Jackson, Merriwether, Moore, Morton, Smith, Walhall, Watkins and Wood.

Ordered, that the memorial be engrossed and made the order of the day for a third reading to morrow.

Mr Jackson, from the special committee to which was referred the petition of Gains Kibby, reported a bill to be entitled an act to encourage the growth and manufacture of hemp in this state; which was read ordered to a second reading to morrow.

Mr Jackson presented the petition of sundry citizens of Morgan county, praying that Gains Kibby be authorized to borrow from the State Bank the sum of 7,000 dollars, by giving ample security, the same to be taken from the portion allotted to Morgan county, and to be appropriated by him to the manufacturing of bagging and rope and the cultivation of hemp; which was read and laid on the table.

Mr Pickett introduced a bill to be entitled an act to regulate the interchange of circuit judges, which was read. Mr Hubbard moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 9—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Edmondson, Hubbard, Jackson, Merriwether, Morton, Perry, Walhall and Watkins — Those who voted in the negative are Mr President, Crawford, Evans, Garth, Hogan, Moore, Pickett, Smith, Vining and Wood.

Ordered, that the bill be made the order of the day for a second reading to-morrow.

Mr Jackson, from the special committee to which was referred the communication from Cornelle Roudett, on the cultivation of the vine and the mode of raising the silkworm, asked to be discharged from the further consideration of thereof; which was agreed to.

Mr Crawford introduced a bill to be entitled an act more effectually to prevent frauds and combinations in the sales of the public lands of the U. States; which was read and ordered to a second reading to-morrow.

Mr Hogan, from the committee on the state bank to which was referred a bill to be entitled an act supplementary to the act establishing the Bank of the State of Alabama, reported the same without amendment. *Ordered*, that the bill lie on the table.

Mr Moore, from the joint committee on enrolled bills, reported as correctly enrolled, an act to turnpike a certain road therein named; which originated in the House of Representatives, and which was accordingly signed by Mr President.

Mr Jackson offered the following resolution: *Resolved*, that the committee on the state bank be instructed to inquire whether any loans on regular accommodation have been made in this year by the State Bank to the citizens of this state; and if any, how much has been loaned to the citizens of each county; and said committee are hereby authorized to call on the officers of said Bank for the information above required, which shall be reported to this House with as little delay as possible; which was adopted.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have indefinitely postponed the bill which originated in the Senate, entitled an act more effectually to prevent judges of the circuit and county courts from charging juries on matters of fact, and the better to secure the right of trial by jury. They have adopted a memorial to Congress upon the subject of public lands: in which they desire your concurrence.

The memorial mentioned in the foregoing message, was read the first time and ordered to a second reading to-morrow.

Mr Jackson, from the special committee to which was referred the engrossed bill to be entitled an act for the relief of Henry Sossaman, reported the same without amendment. The question was then put, Shall the bill pass? and decided in the affirmative. Yeas 11—Nays 7.

The yeas and nays being desired those who voted in the affirmative are Mr President, Edmondson, Hubbard, Jackson, Moore, Morion, Perry, Smith, Vining, Watkins and Wood — Those who voted in the negative are messrs Abercrombie, Crawford, Evans, Garth, Merriwether, Pickett and Walthall.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Wood called up the report of the military committee on the 5th inst. on the subject of the defects in the returns of the strength and condition of the militia of this state. *Ordered*, that the Senate concur in said report.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed bills which originated in their House, entitled an act the better to provide for the examination of the offices of the clerks of the circuit and county courts of this state; and, an act prescribing the duties of the register of the land office at Courtland, and for other purposes: in which they desire the concurrence of the Senate.

The bills mentioned in the foregoing message were severally read the first time in the Senate, and ordered to a second reading to-morrow.

A bill to be entitled an act to establish a turnpike road on Cumberland

mountain, was read the second time and referred to a special committee consisting of messrs Moore, Vining and Conner.

An engrossed bill to be entitled an act to authorize James Davis and associates to turnpike a certain road therein named, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to appoint commissioners to mark and lay out a certain road therein specified, was read the second time and referred to a special committee consisting of messrs Evans, Merriwether and Smith.

Joint resolution to procure a survey of the proposed canal route between the rivers Amoy and Consauga, was read the second time and ordered to a third reading to-morrow.

A bill to be entitled an act better to regulate the issuing of licenses to retailers of spirituous liquors, was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to amend the law on the subject of proving and recording deeds, was read the second time and referred to the judiciary committee.

Joint resolution requesting the Governor to open a correspondence with the Governors of other States for certain purposes was read the second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to incorporate the Tuscumbia railway company, was read the second time and ordered to be engrossed for a third reading to-morrow.

An engrossed bill to be entitled an act further to relieve insolvent debtors, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Reps. for their concurrence.

A bill from the House of Representatives entitled an act further to provide for the location of the seat of justice of Pickens county, was read the 3d time and passed. *Ordered*, that the secretary acquaint the House therewith.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Friday, January 8, 1830.

The Senate met pursuant to adjournment.

Mr Perry, from the committee on the judiciary to which was referred a bill to be entitled an act to give the decrees of the orphan's court on final settlements the force of judgements at law, reported the same as amended, which was concurred in. The question was then put, shall the bill pass? and decided in the negative. Yeas 6—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Crawford, Edmondson, Jackson, Perry and Walhall — Those who voted in the negative are Messrs Abercrombie, Evans, Irwin, Merriwether, Moore, Pickett, Smith, and Vining.

Mr Moore, from the committee on the judiciary to which was referred the communication from the Governor accompanied by a letter from the secretary of the treasury of Florida, and a copy of an act of that territory to authorize certain persons to practice law therein, reported a bill to be entitled an act to authorize certain persons to practice law in this State, which was read and ordered to a second reading to-morrow.

Mr Perry introduced a bill to be entitled an act to authorize the State to dispose of the old state house in the town of Cahawba, which was read and ordered to a second reading to-morrow.

A message from the House of Representatives by Mr Van Dyke: Mr President—the House of Representatives disagree to the amendments made by the Senate to the bill entitled an act to provide for drawing and compen-

sating jurors to attend the county courts of Franklin, Morgan and Lawrence counties and for other purposes. They have postponed indefinitely bills which originated in the Senate of the following titles, to wit: an act allowing to the solicitors of the several circuits a copy of Minor's reports; and, an act to repeal in part and amend an act concerning witnesses, passed 10th February 1807. They have passed bills which originated in the Senate of the following titles, to wit: an act making an appropriation for the increase of the supreme court library; an act for the relief of Benjamin Hudson and William Alsobrooks; joint memorial praying indemnity for losses sustained by the depredations of the Creek Indians; and, an act supplemental to an act passed the 14th December 1827 proscribing the mode of contesting elections, and have amended the latter bill in the manner herewith shewn: in which they desire your concurrence. They have also passed a bill which originated in the Senate, entitled an act to incorporate the trustees of the Sims' female academy, in the town of Tuscaloosa, and have amended the same as herewith shewn: in which amendment they also desire your concurrence. They concur in the amendment made by the Senate to the bill entitled an act to change the times of holding the circuit courts in the counties of Henry, Dale, Covington, Baldwin and Mobile. They have read three several times and passed bills which originated in their House, entitled an act to authorize the commissioned officers of the 11th regiment of the Alabama militia to fix a regimental muster ground; and, an act to amend an act to authorize Wyatt Cheatham to cut out and establish a turnpike road: in which they desire the concurrence of the Senate.

Ordered, that the bill entitled an act to provide for drawing and compensating jurors to attend on the county courts of Franklin, Morgan and Lawrence counties, and for other purposes, together with the amendments thereto, lie on the table.

Ordered, that the Senate concur in the amendment made by the House of Representatives to the bill entitled an act supplemental to an act, passed Dec. 14, 1827, prescribing the mode of contesting elections. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Perry moved to amend the amendment made by the House of Representatives to the bill entitled an act to incorporate the trustees of the Sims' female academy, in the town of Tuscaloosa, by adding thereto the following: *Provided further, that any vacancy which may occur in the board of trustees from any cause, shall be filled by a majority of the trustees for the time being*; which was carried. The amendment as amended was then agreed to. *Ordered*, that the secretary acquaint the House therewith.

A bill from the House of Representatives, entitled an act to authorize the commissioned officers of the 11th regiment of the Alabama militia to fix a regimental master ground, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and referred to the military committee.

A bill entitled an act to amend an act authorizing Wyatt Cheatham to cut out and establish a turnpike road, was read the first time and ordered to a second reading to-morrow.

Mr Moore, from the special committee to which was referred a bill to be entitled an act to establish a turnpike road on Cumberland mountain, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Hogan offered the following resolution: *Resolved*, that, with the concurrence of the House of Representatives a joint committee be appointed to draft a resolution appropriating the several rooms in the State Capitol

among the public officers, so as to accommodate the governor, secretary of state, comptroller, treasurer, clerk of the supreme court, attorney general and library of the supreme court, which was adopted; whereupon Messrs. Hogan, Jackson and Merriwether were appointed committee on the part of the Senate.

Mr. Hogan offered the following resolution: *Resolved*, That the commissioners for the erection of the State Capitol be requested to furnish the Senate with information on the following points: 1st *what part of the State Capitol will remain unfinished when the present contracts are completed?* 2 *what sum will be required to complete the State Capitol according to the plan called the "Grecian Cross" which was adopted by the Legislature of 1828?* 3 *how long will it take to have the same completed?* 4 *can the commissioners dispense with the services of the present architect? if not what salary would be sufficient to compensate said architect for his services in attending to the completion of said Capitol?* 5 *what plan if any have been adopted by the commissioners for enclosing the public ground around the capitol?* 6 *Should the present architect refuse to receive a suitable salary can the commissioners procure without difficulty, a suitable person to attend to the completion of said work at a reasonable sum?* Mr. Perry offered the following amendment which was accepted by the yeas as a part of the resolution: *provided that said commissioners be instructed to make no further contracts in relation to said building.* and the question being put on the adoption of the resolution, it was decided in the affirmative. Yeas 12—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Abercrombie, Conner, Crawford, Edmondson, Hogan, Jackson, Merriwether, Morton, Pickett, Smith, Vining and Walthall.—Those who voted in the negative are Messrs. Evans, Irwin, Moore and Perry.

Engrossed joint memorial to the Congress of the United States praying a removal of the land office from Huntsville to some more central point in said land district, was read the third time and passed. Ordered, that the title of the memorial be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr. Jackson, from the special committee to which was referred a preamble and resolution of the Senate instructing them to report a memorial or remonstrance to the Congress of the United States against the sales of the forfeited and relinquished lands now advertised to be sold, reported a memorial of the Senate of Alabama to the Congress of the United States, in relation to the forfeited lands within the state and now advertised for sale by the proclamation of the President; which was read and laid on the table.

Engrossed joint resolution requesting the Governor to open a correspondence with the Governors of other states for certain purposes, was read the second time. Mr. Hogan moved that the further consideration of the resolution be indefinitely postponed, which was carried. Yeas 11—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Abercrombie, Conner, Evans, Hogan, Hubbard, Irwin, Merriwether, Moore, Perry, Vining, and Walthall. —Those who voted in the negative are Messrs. Crawford, Edmondson, Jackson, Morton, Pickett, and Smith.

On motion of Mr. Crawford, ordered that the resolution be spread upon the Journal, which is as follows: *Resolved by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, that the Governor of this state, be, and he is hereby requested to open a correspondence with the Governors of the states of North and South Carolina, Kentucky, Georgia, Tennessee, Mississippi and Louisiana, upon the subject of the existing state of slavery in those states, acting in concert in the

enactment of the most salutary laws to prevent the further introduction of slaves into each of those states; and lay such correspondence before the General Assembly at their next session.

Mr Morton, from the committee on roads, bridges and ferries to which was referred the petition of Daniel Fields, reported a bill to be entitled, an act to authorize Daniel Fields and associates to turnpike a road in the county of Blount, which was read and ordered to a second reading to-morrow.

Mr Hubbard, from the special committee to which was referred a bill to be entitled an act to authorize a road from the northeast corner of capital square in the town of Tuscaloosa to the Warrior river, where the western boundary of said town intersects the same, reported that it is inexpedient to pass the bill. *Ordered*, that the bill and report lie on the table.

Mr Jackson, from the committee on the State Bank to which was referred a resolution instructing them to inquire into the expediency of so amending the charter of the State Bank as to admit of individual stockholders in said Bank, as provided for by the constitution, and if in their opinionsuch an amendment would not be injurious to that institution, and would be beneficial to the interests of the good people of this state, that they report a bill to provide for an increase of the capital stock of the Bank, reported a bill to be entitled an act to increase the capital of the Bank of the State of Alabama, and to provide for the establishment of a branch of said Bank, which was read. Mr Jackson moved that the bill be read the second time to-morrow, which was carried. Yeas 10--Nays 9.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Crawford, Edmondson, Guth, Hogan, Hubbard, Irwin, Jackson, Morton, and Watkins. — Those who voted in the negative are Messrs Comer, Evans, Meriwether, Moore, Perry, Pickett, Smith, Vining and Walthall.

Mr Irwin offered the following resolution: Whereas the 8th day of January, is dear to the hearts and feelings of every American patriot, therefore, *Be it resolved*, that the doorkeeper of this Senate be instructed to illuminate the Senate Chamber this evening; which was adopted.

An engrossed bill to be entitled an act better to regulate the issuing of licenses to retailers of spirituous liquors, was read the third time. On motion of Mr Hogan, *ordered*, that the bill lie on the table till to-morrow.

And then the Senate adjourned till to-morrow morning at ten o'clock.

Saturday, Jan. 9th, 1830.

The Senate met pursuant to adjournment.

Mr Watkins presented the petition of sundry citizens of Monroe and Conecuh counties, praying the change of the route of a public road in said counties, which was read and referred to the committee on roads, bridges and ferries.

Mr Hogan, from the committee on the State Bank to which was referred a resolution instructing them to inquire whether any loans on regular accommodation have been made in this year by the State Bank to the citizens of this state and if any how much, submitted the following correspondence.

SENATE CHAMBER. 8th January, 1830.

To the President and Directors of the Bank of the State of Alabama:

Gentlemen—The committee on the State Bank have been instructed by the Senate to inquire whether any loans, on regular accommodation, have been made in this year to the citizens of this state, and if any, how much has been loaned to the citizens of each county, and said committee is required to report the said information as soon as possible. Your early attention

to the subject matter of this resolution, is respectfully requested. Your obedient servant. (Signed.) JOHN B. HOGAN, Chairman of the Com.

BANK OF THE STATE OF ALABAMA, Tuscaloosa, Jan. 8th, 1830.
Hon. John B. Hogan, chairman of the committee on the State Bank.

Sir—I am instructed by the board, in answer to your communication of this date, inquiring whether any loans on regular accommodation, have been made in this year to the citizens of this state, and if any, how much has been loaned to the citizens of each county—that this call appears to be made in obedience to instruction from the Senate without reference to the other branch of the legislature. The board does not consider it competent in either branch of the legislature, to make any call upon this board for information in relation to the operations of this bank, and that it would uniformly resist any such call, but as the information now asked for is a matter of public notoriety, and such as any person could obtain on inquiring of any director; and being desirous moreover, on all occasions, to extend to either branch of the legislature, a degree of courtesy not incompatible with the duties of the board, or the interests of the institution, the board has instructed me to inform the committee, through you, that no discounts on accommodation notes, have been made by this bank since the first day of January, inst. I am sir, very respectfully, your obedient servant,

JNO. L. TINDALL, President, &c.

Mr Hogan moved that the communication from the President of the bank, lie on the table, which was carried. Yeas 12—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are Mr President Crawford Edmondson Evans Garth Hogan Irwin Moore Pickett Smith Vining and Watkins — Those who voted in the negative are Messrs Abercrombie Conner Hubbard, Jackson Merriwether Morton Perry and Walthall.

Mr Watkins, from the special committee to which was referred a bill to be entitled an act to amend an act entitled an act to regulate the licensing of physicians to practice, and for other purposes therein named, passed, December 22d, 1823, reported the same as amended, which was concurred in. The bill was then read the third time as amended and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr McClellan: Mr President—The House of Representatives have read three several times and passed, bills which originated in their house, entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes; and an act the better to increase the safe keeping of the public arms in which they desire your concurrence.

A bill from the House of Representatives entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes, was read the first time. Mr Vining moved that the rule requiring bills to be read on three several days be dispensed with, and that the bill be read the second time forthwith, which was lost. *Ordered*, that the bill be made the order of the day for a second reading on Monday next.

A bill from the House of Representatives entitled an act the better to increase the safe keeping of the public arms, was read the first time. Mr Perry moved that the further consideration of the bill be indefinitely postponed, which was carried. Yeas 11—Nays 10

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie Crawford Evans Irwin Moore Perry Pickett Smith Vining Walthall and Wood — Those who voted in the negative are Mr President Conner Edmondson Garth Hogan Hubbard Jackson Merriwether Morton and Watkins.

An engrossed bill to be entitled an act to incorporate the Tusculum

railway company; and an act to establish a turnpike road on Cumberland mountain—were severally read the third time and passed. *Ordered*, that the titles of the bills be as aforesaid and that they be sent to the House of Representatives for their concurrence.. Mr Smith, who voted in the majority, moved to reconsider the vote of the Senate on Mr Perry's motion to postpone indefinitely the further consideration of the bill entitled an act the better to increase the safe keeping of the public arms, which was lost. Yeas 7—Nays 13.

The Yeas and nays being desired, those who voted in the affirmative are Mr President Conner Hogan Jackson Merriwether Moore and Smith.—Those who voted in the negative are Messrs Abercrombie Crawford Edmondson Evans Garth Hubbard Irwin Perry Pickett Vining Walthall Watkins and Wood.

A bill to be entitled an act to regulate the interchange of the circuit judges, was read the second time. Mr Jackson moved that the further consideration of the bill be indefinitely postponed, which was lost. Yeas 7—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are messrs Abercrombie, Hubbard, Jackson, Merriwether, Perry, Wood and Walthall.—Those who voted in the negative are Mr President, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Irwin, Moore, Morton, Pickett, Smith, Vining and Watkins.

Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

A bill to be entitled an act better to provide for the examination of the office of the clerks of the circuit and county courts of this state was read the second time. Mr Crawford moved that the further consideration of the bill be indefinitely postponed, which was carried.

A bill to be entitled an act to authorize Daniel Fields and his associates to turnpike a road in the county of Blount, was read the second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act to amend an act to authorize Wyatt Cheatham, to cut and establish a turnpike road, was read the second time, and ordered to a third reading on Monday next.

A bill to be entitled an act to authorize certain persons to practice law in this state, was read a second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act to authorize the state to dispose of the old state house in the town of Cahawba, was read the second time and ordered to lie on the table.

A bill to be entitled an act more effectually to prevent frauds and combinations in the sale of the public lands of the United States, was read the second time and referred to the committee on the judiciary.

A memorial to the Congress of the United States on the subject of public lands, was read the second time and referred to a special committee consisting of messrs Hubbard, Jackson and Perry.

An engrossed bill to be entitled an act better to regulate the issuing of licences to retailers of spirituous liquors was read the third time and on motion of Mr Wood referred to the committee on education.

Joint resolution from the House of Representatives to procure a survey of the proposed canal route between the rivers Amoy and Conasauga, was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act prescribing the duties of the register of the land office at Courtland, and for other purposes, was read the second time and referred to a special committee, consisting of messrs Hubbard, Morton and Vining.

A bill to be entitled an act to encourage the growth and manufacture of hemp in this state, was read the second time. Mr Hogan moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 8—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Evans, Hogan, Hubbard, Irwin, Perry, Pickett, Walthall and Watkins.—Those who voted in the negative are Mr President, Abercrombie, Conner, Crawford, Edmondson, Garth, Jackson, Morton, Vining and Wood.

Ordered, that the bill be engrossed and made the order of the day for a third reading on Monday next.

Ordered, that the bill entitled an act to increase the capital of the Bank of the State of Alabama, and to provide for the establishment of a Branch of said Bank, lie on the table till Monday next.

Mr Hubbard called up the memorial of the Senate of Alabama to the Congress of the United States, in relation to forfeited lands within the state and now advertised for sale by the proclamation of the President. *Ordered*, that it be referred to the special committee appointed on the memorial from the House of Representatives on the same subject.

Mr Hubbard introduced a bill to be entitled an act to amend an act therein named: which was read and ordered to a 2d reading on Monday next.

Mr Irwin, who voted in the majority, moved to reconsider the vote of the Senate on the passage of the bill entitled an act to extend the powers of the county and orphans' court in certain cases, and for other purposes; which was carried. *Ordered*, that the bill be committed to a special committee, whereupon messrs Perry, Walthall and Abercrombie were appointed.

Mr Abercrombie, from the special committee to which was referred the petition of Haynes Crabtree, reported a bill to be entitled an act to authorize Haynes Crabtree to emancipate certain slaves therein named, which was read—and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed. *Ordered*, that it be sent to the House of Representatives for their concurrence.

Mr Abercrombie, from the special committee appointed to inquire into the expediency of suspending the operation of the land office at Courtland after the 24th February next, and instructing them further to inquire into the expediency of returning all monies received in that office to the general government with the exception of so much as may be necessary to defray the expenses of selecting, valuing and selling the same: reported a bill to be entitled an act in relation to the fund arising from the sales of the 400,000 acres of land granted to this state by Congress, which was read and ordered to a second reading on Monday next.

Mr Abercrombie, from the same committee, also reported a memorial to the Congress of the United States on the subject of the 400,000 acres of land granted to the State of Alabama for the purposes of internal improvement, which was read and ordered to a second reading on Monday next.

And then the Senate adjourned till Monday morning at 10 o'clock.

Monday, January 11, 1830.

The Senate met pursuant to adjournment.

Mr Hubbard and others availed themselves of their constitutional right to have the following document spread upon the journal of the Senate: The undersigned members of the Senate who voted in the minority on the passage of a memorial to the Congress of the United States praying for two sections of land to be given to each county in the state for the purposes of raising a fund to be applied exclusively in the education of females; ask to have entered on the Journals of the Senate their reasons for so voting. They

are not opposed to the education of females, but on the contrary wish to promote so desirable an object; this house has passed so many memorials to Congress this session on the subject of public lands all of which they cannot expect will be attended to by that body, but on the contrary they fear that sending so many may defeat the objects intended to be secured by any one memorial; they believe that their constituents at this time are more concerned in getting their lands upon which they can make bread with which to feed their children than they are in the education of male or female; and as most of their lands are forfeited or relinquished and offered for sale; they have thought it most important at this time to press the consideration of that subject before Congress, and when we can secure our people a home then we will be as forward as any to obtain instruction for their children. For these and other reasons we voted against the passage of the said memorial. (Signed.)

DAVID HUBBARD, WM. R. PICKETT, JAS. JACKSON,
THOMAS EVANS, JAMES ABERCROMBIE.

Mr Smith presented the petition of John N. Henry of Monroe county stating that he received a wound during the last war with the Creek Indians which has disabled him so as to render it difficult for him to make a support for his family, and praying the legislature to memorialize Congress in his behalf, which was read and referred to the committee on propositions and grievances.

Mr Crawford, from the committee on education to which was referred a bill to be entitled an act better to regulate the issuing of licenses to retailers of spirituous liquors; reported the same as amended, which was concurred in. The bill was then read the third time and the question being put, shall the bill pass? it was decided in the affirmative. Yeas 10—Nays 6.

The yeas and nays being desired those who voted in the affirmative are Mr President Crawford Edmondson Evans Hubbard Jackson Moore Vining Walthall and Wood.—Those who voted in the negative are Messrs Abercrombie Conner Irwin Perry Pickett and Smith.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Evans, from the special committee to which was referred a bill to be entitled an act to appoint commissioners to mark and lay out a certain road therein specified, reported the same as amended by striking out the words "to be paid out of the three per cent fund," and inserting the words "to be paid out of the county funds of the several counties through which said road may pass," which was concurred in. *Ordered*, that the bill be made the order of the day for a third reading to-morrow.

Mr President presented the following report of the commissioners appointed to superintend the erection of the State Capitol:

To the Hon. the President of the Senate, &c. The commissioners appointed to superintend the erection of the state capitol, in obedience to a call for information by a resolution of that branch of the General Assembly over which you preside, to wit: 1st, What part of the state capitol will remain unfinished when the present contracts are completed? 2. What sum will be required to complete the state capitol according to the plan called the Grecian Cross, which was adopted by the Legislature of 1827? 3. How long will it take to have the same completed? 4. Can the commissioners dispense with the services of the present architect? if not, what salary would be sufficient to compensate said architect for his services in attending to the completion of the said capitol? 5. What plan, if any, has been adopted by the commissioners for enclosing the public ground around the capitol? 6. Should the present architect refuse to receive a suitable salary, can the commissioners procure, without difficulty, a suitable person to attend to the completion of said work at a reasonable sum? The commissioners, in answer to the 1st and 2d inquiries, would respectfully refer you to the accompanying document marked C, which they respectfully ask to be made a part of this report. In answer to the 3d inquiry, we will remark that, from the nature of the work, it will probably require a time of from six to nine months to complete

the state capitol. In answer to your 4th inquiry we will remark, that the services of the present architect are indispensably necessary in the completion of the capitol, and that the sum of 800 dollars would be an ample and satisfactory compensation to the architect for his future services in the entire completion of the said capitol. In answer to your 5th inquiry, we would refer you to the accompanying designs marked A and B, both of which we would respectfully ask to be made a part of this report. In answer to your 6th inquiry we would suggest that it is not likely the architect will refuse to receive a suitable salary, nor can the commissioners procure the services of any other person equally competent to attend to the completion of the work. We would respectfully represent that, of the funds heretofore set apart by the General Assembly for the erection of the state capitol, there has been applied by the former comptroller of public accounts the sum of 2000 dollars for the payment of the price of lots purchased at the site of the state capitol; and also the sum of 1000 dollars in part payment of the salary of the architect, leaving only the sum of \$2,000 instead of the sum of \$5,000 dollars, the amount for which the commissioners were authorized by law to make contracts, and under which authority they have actually made contracts to the amount of 54,952 22. All of which is respectfully submitted.

J. L. TINDALL, J. H. DEARING, J. HOGAN, S. B. EWING, *Com'rs.*

Order'd, that the report together with the accompanying documents be referred to the committee on the state capitol.

Mr Jackson from the special committee, to which was referred the bill entitled an act to prevent the evil practice of betting on elections, reported the same without amendment. The bill was then read the third time, and the question being put "shall the bill pass?" it was decided in the affirmative. Yeas 14—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Conner, Crawford, Edmondson, Evans, Garth, Hubbard, Jackson, Moore, Morton, Perry, Pickett, Vining, and Walthall—Those who voted in the negative are Messrs Hogan, Irwin, Smith and Wood.

A message from the House of Representatives by Mr McClellan: Mr. President—The House of Representatives have read three several times and passed a bill which originated in the Senate, entitled an act to regulate certain proceedings of county courts; joint resolution instructing our Senator, and requesting our Representatives in Congress to use their exertions to procure a remission of the duties which may accrue upon the importation of a library, and apparatus for the University of Alabama. They have also passed bills which originated in their House, entitled an act to authorize the state to grant the old state house in the town of Cahawba, to the county of Dallas; An act to change the time of holding the county courts of Clarke and Pickens counties; An act to establish the county of Lowndes, and an act to authorize the corporation of the city of Mobile, to raise and organize engine and hook and ladder fire companies in said city, and for other purposes; in which they desire the concurrence of the Senate.

A bill entitled an act to authorize the state to grant the old state house, in the town of Cahawba, to the county of Dallas; and, an act to authorize the corporation of the city of Mobile, to raise and organize engine and hook and ladder fire companies in said city, and for other purposes; were severally read the first time and ordered a second reading to-morrow.

A bill to be entitled an act to establish the county of Lowndes, was read the first time and ordered to lie on the table till to-morrow.

A bill to be entitled an act to change the times of holding the county courts of Clarke and Pickens counties, was read the first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time, amended on Mr Conner's motion, and ordered to a third reading to-morrow.

Mr Morton, from the committee on roads, bridges and ferries, to which was referred a petition on the subject, reported a bill to be entitled an act to repeal in part a certain act therein named; which was read and ordered to a second reading to-morrow.

Mr Morton, who voted in the majority, moved to reconsider the vote of the Senate on postponing the further consideration of a bill entitled an act the better to provide for the examination of the offices of the clerks of the circuit and county courts of this state; which was carried. *Ordered*, that the bill be committed to a special committee, whereupon messrs Crawford, Morton and Edmondson were appointed.

Mr Moore introduced a bill to be entitled an act to amend an act entitled an act concerning forcible entries and detainers; which was read and ordered to a second reading to-morrow.

Mr Jackson, from the committee to which was referred a resolution of the state of Louisiana, proposing an amendment to the constitution of the United States, making six years the term of office of the President, reported joint resolutions proposing to amend the constitution of the United States in changing the term of service of the President and Vice President of the United States, which was read and ordered to a second reading to-morrow.

A bill to be entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes, was read the second time. Mr Hogan offered the following amendment to the bill: Sec. And be it further enacted, the Governor be, and he is hereby authorized and required as early as practicable to appoint some suitable and skilful person as engineer to survey and examine the Coosa and Black Warrior rivers, and the obstructions in the same, whose duty it shall be to make maps and estimates of the probable expense of removing the said obstructions, or of opening a canal around them. Sec. And be it further enacted, that the said engineer shall examine the ground lying between the waters of the Coosa and Tennessee rivers, and examine and report the most practicable route for a canal, by which the said waters may be united, and he shall in like manner make maps of the same, and report the probable expense of said work; all which maps estimate, &c. shall be forwarded to the Governor, to be laid before the next General Assembly. Sec. And be it further enacted, that after the duties required in the foregoing sections of this bill shall be performed, it shall be the duty of the said engineer, to examine the obstructions and difficulties which impede the navigation of the Black Warrior river, and report the most practicable mode of removing, or obviating the same; and he shall also make surveys and report after full examination, the best route for a canal to connect the waters of the Tennessee and the said Warrior rivers, and shall make maps and estimates in like manner, as is required in the first and second sections of this bill, and report the same to the executive. Sec. And be it further enacted, that the said engineer before he enters on the duties of his office, shall take and subscribe to an oath faithfully and diligently to perform all and singular the duties required by this act. Sec. And be it further enacted, that the said engineer shall receive such compensation, and in such mode as may be prescribed by the next General Assembly, provided that his excellency shall make such advances to carry this act into effect as he may deem proper, and it shall be the duty of the comptroller to issue his warrant for such sum as he may direct. And be it further enacted, that the funds necessary to pay the salary of the engineer, as well as all other expenses incurred in making said surveys and estimates for the Coosa and Black Warrior canals, shall be paid out of the three per cent fund, which amendment was adopted. Mr Hubbard moved to strike out a part of the first section of the bill, and to strike out the 7th section, and to insert the following: "And be it further enacted, that the payment for work and labor, and any services done in and

about any of the improvements contemplated by this act, shall be made in the following manner:—The person or persons who may have any claim upon said board, if for work and labor under a contract, shall procure the certificate of the principal engineer in the employment of the board, that the work has been done according to the contract, or that the sum is justly due according to the terms thereof, upon the production of which certificate the president of the board shall be authorized to issue his check in favor of the proper person, upon the cashier of the bank of the state of Alabama, and it shall be duty of the receiver of the land office at Courtland, to pay out of any monies in his office, and in the event he has no funds in his hands, then it shall be the duty of the cashier of the bank to pay the same out of any monies in the bank arising from the proceeds of the sales of the lands granted the state for the purposes aforesaid, and the said checks shall be vouchers for the said receiver of the land office, or the bank as the case may be. And be it further enacted, that payment to any of the board for their services, or any officer or servant thereof shall be upon an account stated to be approved by the board and certified to be correct, signed by the party, and countersigned by the clerk, and shall be entered upon a book of the board, to be kept for that purpose, when the president may issue his check as aforesaid," which was carried. The bill was further amended on Mr Hubbard's motion. Mr Irwin offered the following amendment: And be it further enacted, that the state of Alabama or citizens thereof or their property, shall never be taxed for the constructing, completing or repairing said canals, except such toll for passing the same as may be allowed by Congress, which was adopted. Mr Crawford offered the following amendment to the first section of the bill: "And the secretary so appointed shall keep a correct journal and record of the proceedings of the said board, and the ayes and noes upon the decision of any question, shall upon the request of any member present, be entered upon the journal, which was adopted.—*Ordered*, that the bill and amendments lie on the table.

A message from the Governor by Mr Thornton: Mr President—the Governor did on the 9th inst. approve and sign the following bills: an act to change the name of William Tankersley to that of William Parmer; an act to authorize the courts of this state to render final judgement against the security of non residents for costs; an act to give the circuit courts of this state power to render judgements final against the security in writs of error bonds; an act to authorize the register of the land office at Courtland to correct certain errors in the return of the land commissioners,—all of which originated in the Senate.

Ordered, that the bill entitled an act to increase the capital of the Bank of the State of Alabama and to provide for the establishment of a branch of said Bank lie on the table.

An engrossed bill to be entitled an act to encourage the growth and manufacture of hemp in this state, was read the third time—and the question being put, shall the bill pass? it was decided in the negative. Yeas 7—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Mr President Abercrombie Edmondson Garth Jackson Moore and Morton.—Those who voted in the negative are messrs Crawford Evans Hogan Hubbard Irwin Perry Pickett Smith Vining and Wathall.

A message from the House of Representatives by Mr McClellan: Mr President—the House of Representatives have passed a bill which originated in their house entitled an act to authorize the court of revenue and roads for Madison county to make an appropriation for the support of Isham Boyke a pauper of Madison county,—in which they desire the concurrence of the Senate.

The bill mentioned in the forgoing message was read the first time and ordered to a second reading to morrow.

Joint memorial to the congress of the United States on the subject of the 400,000 acres of land granted to the State of Alabama for the purpose of internal improvement, was read the second time and ordered to lie on the table.

A bill to be entitled an act in relation to the fund arising from the sale of the 400,000 acres of land granted to this state by congress, was read the second time. Mr Hubbard moved that the further consideration of the bill be indefinitely postponed, which was carried. Yeas 11—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Crawford, Edmondson, Garth, Hogan, Hubbard, Jackson, Moore, Morton, Smith, and Vining.

Those who voted in the negative are Messrs Abercrombie, Irwin, Perry Pickett, and Walthall.

A bill to be entitled an act to amend an act therein named, was read the second time. Mr Jackson offered the following amendmeat to the bill: "provided the provisions of this act does not extend to any contracts made previous to the passage thereof." On motion of mr Hubbard, ordered, that the bill and proposed amendment be committed to a special committee; whereupon messrs Hubbard, Jackson and Morton were appointed.

Mr Watkins, from the joint committee elected to examine into the state and condition of the Bank of the State of Alabama submitted a report shewing the state and condition of the Bank, which was ordered to lie on the table.

Mr Walthall offered the following resolution: *Resolved*, that with the concurrence of the House of Representatives the Senate will assemble in the Representative Hall at the hour of seven o'clock P.M. to-morrow for the purpose of electing a president and twelve directors of the Bank of the State of Alabama for the present year. Mr Jackson moved to strike out to-morrow" and insert Friday next, which was carried. The resolution as amended was then adopted. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr McClellan: Mr President—the House of representattves concur in the amendments made by your honorable body to the bill entitled an act to alter the times of holding the circuit courts in the counties of Limestone and Lawrence.

Mr Hogan introduced a joint resolution removing the injunction of secrecy from the report of the joint committee elected to examine the State Bank, which was read and the rule requiring joint resolutions to be read on three several being dispensed with the resolution was read the second and third time forthwith and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Hubbard, from the special committee to which was referred the bill entitled an act to amend an act therein named, reported the same as amended.

And then the Senate adjourned till 3 o'clock this evening.

The following communication was received from Governor by James I. Thornton, Esq.

EXECUTIVE DEPARTMENT, Jan. 11, 1830.

The Hon. President and Members of the Senate.

By reason of necessary absence from two successive meetings of the medical board of Claiborne and Huntsvtle, of Doctors Watkins and Fearn, occasioned by their occupying the station as members of the Legislature their office as members of the medical board have become vacant by operation

of the law organizing them. It is for the General Assembly to provide for these vacancies. I have the honor to be very respectfully,

GABRIEL MOORE.

Ordered, that the communication lie on the table.

The bill entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes together with the amendments made thereto was taken up and read the second time; the rule requiring bills to be read on three several days was dispensed with on Mr Jackson's motion, and the bill was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Vining, from the joint committee on enrolled bills reported as correctly enrolled an act making an appropriation for the increase of the supreme court library; Joint memorial praying indemnity for losses sustained by the depredations of the Creek Indians; joint resolution instructing our Senators and requesting our Representatives in Congress to procure by the United States engineers, as early as may be, a survey of the proposed canal between the rivers Amoy and Canasauga and of the rivers Canasauga and Coosa, and the practicability and probable cost of the work; an act for the relief of Andrew O. Horn tax collector for Lawrence county; an act to change the time of holding the circuit courts in the counties of Henry, Dale, Covington, Baldwin and Mobile—all of which were accordingly signed by Mr President.

Mr Hogan called up the report of the joint committee elected to examine into the state and condition of the Bank of the State of Alabama. *Ordered*, that two hundred and fifty copies of the report and accompanying documents be printed for the use of the Senate. The report is as follows: The joint committee appointed by the General Assembly to examine into the situation and condition of the State Bank beg leave to report: That, in the performance of the duties required of them, an examination of the solvency of the debtors to the institution, first engaged their attention. The investigation of this branch of the inquiry, although it presents an increased amount of doubtful, and a small decrease in the bad debts since the last annual report, yet the committee find that same portion of both descriptions have been paid during the past year, leading to a hope that a further reduction may be anticipated, when a more guarded course of recommendation shall be pursued, on which the directory are in a great measure obliged to rely for their information of the solvency of individuals. Statement marked A presents a view of the bad and doubtful debts which have been ascertained in each county. The paper marked B exhibits an expose of the operations of the Bank since January 7th, 1829, to the 8th inst. inclusive, by which it will appear that the Bank is liable for the amount of its notes in circulation and the amount due to individual depositors, making an aggregate of \$659,293 85½; to meet this liability, the Bank possesses funds of the following description, viz:—Specie, \$127,596 68¾; notes of other solvent Banks, principally United States, \$75,393; Bills of Exchange payable at Mobile and New Orleans, \$686,927 09, most readily available for any emergency. These several sums added to the amount due from other Banks on account, the sum of \$28,376 85½, making a total of \$916,293 63¾; besides this amount, most readily convertible into funds to meet any emergency, the Bank has due it, on notes discounted, \$237,060 73; making a grand total of \$1,153,354 36¾, leaving an excess including real estate and furniture, of \$504,647 62 above what it is liable for; presenting a view of its concerns highly flattering, and thereby creating an unshaken confi-

dence in its solvency, and as the committee believe, realizing in the fullest extent the objects for which it was established, and which objects cannot be defeated under an impartial, able and judicious directory. The paper marked C gives an analysis of the account of individual depositors, shewing the items of which it is composed. The committee cannot conclude without bestowing due praise on the Cashier, Teller and Clerks of the Bank, for the alacrity and ability with which they discharge the incessant and laborious duties assigned them.

DAVID MOORE,
ELISHA YOUNG, *Com't on part*
J. B. CLARK, *House of Reps.*

JNO. WATKINS,
J. B. HOGAN, *Com't on part*
J. W. GARTH, *of the Senate.*

[A.] Exhibit shewing the amount of bad and doubtful debts due the Bank.

Pike county, 477*; Conecuh, 240; Blount, 54; Dallas, 1800; Franklin, 545* 2355; Lauderdale, 1000; St. Clair, 720*; Bibb, 350* 270; Jackson, 4800* 350; Greene, 450*; Jefferson, 670; Morgan, 176; Madison, 1350; Lawrence, 720* 4855; Pickens, 240; Limestone, 1900.

**Bad debts.*

[B.] *An Exhibit shewing the result of the operations of the Bank of the State of Alabama, from the 7th day of January 1829, to the 8th day of January 1830, inclusive.*

Capital Stock,	\$495,503 22½	Due on individual notes discounted	\$237,069 73
Notes of the Institution in circulation,	522,637 00	Banking house at Cahawba at cost, \$1,085 92	9,959 49
Due to individual depositor's account,	136,656 83½	Permanent expense account, being amount paid for Bank furniture,	627 67
Balance of profits on the 6th Jan. 1829, as per report,	3,937 10	Due from solvent Banks in account, Notes of do. do. on hand,	28,376 85¼ 73 393 00 127,596 68½
Profits from 7 Jan. 1829, to 7th Jan. 1830, inclusive,	56,005 55	Specie	229,366 54¼
		Bills of Exchange payable at Mobile and New Orleans,	686,927 09
		Paid interest and dividends to the different funds, composing the capital, up to the 9th day of November 1829, and also expenses of the Institution for same period,	50,798 19

\$1214,739 71¼

[C.]

\$1214,739 71¼

The general account of individual depositors is composed of the following items, to wit:

To the credit of the State Treasury,	24367 86
To do. University fund and agent,	13814
To do. individuals as partial payment on notes,	36113 44
To do. do. for general account and subject to the checks,	38078 52½
To do. of the Internal Improvement fund,	24283 00

\$136656 83½

Mr Morton called up the bill to be entitled an act, to authorize a road from the northeast corner of capitol square, in the town of Tuscaloosa, to the Warrior river where the western boundary of said town intersects the same, together with the report made thereon "that it is inexpedient to pass the same." Mr Morton moved that the Senate disagree to the report. Mr Hubbard moved that the further consideration of the bill and report be indefinitely postponed, which lost. Yeas 7—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Evans, Hubbard, Moore, Perry, Vining and Watkins—Those who voted in the negative Mr are President, Conner, Crawford, Edmondson, Garth, Hogan, Irwin, Jackson, Morton, Pickett, Smith and Walthall.

Ordered, that the bill be recommitted to a special committee, whereupon Messrs Morton, Vining and Moore were appointed.

The Senate resumed the consideration of the bill entitled an act to amend an act therein named. The amendment proposed by the special committee to the bill was concurred in. The rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and the question being put "shall the bill pass?" it was decided in the affirmative.—Yeas 16—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Jackson, Moore, Morton, Perry, Smith, Walthall and Watkins.—Those who voted in the negative are Messrs Irwin, and Vining.

Ordered, that the title of bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A message from the House of Representatives by Mr Van Dyke: Mr President—the House of Representatives have read three several times and passed a bill which originated in their House, entitled an act making permanent the act prescribing the duties of sheriffs, and returning officers in holding elections and returning the votes of all persons voting on proposed alterations of the constitution of the state of Alabama approved January 26, 1829; in which they desire your concurrence.

The bill mentioned in the foregoing message was read the first time.—And the rule requiring bills to be read on three several days being dispensed with by a majority of four fifths, the bill was read the second and third time forthwith and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Van Dyke: Mr President—The the House of Representatives have read three several times and passed a bill which originated in their House, entitled an act to discontinue and establish certain election precincts therein specified; in which they desire your concurrence.

The bill mentioned in the foregoing message, was read the first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith. Mr Hogan moved to amend the bill as to discontinue the election precinct at Jesse Lott's, in Mobile county, which was carried. Mr Hogan then moved to strike out that part of the bill proposing to discontinue the election precinct heretofore established at Robert Bolling's, which was carried. *Ordered*, that the bill lie on the table till Wednesday next.

A message from the House of Representatives by Mr McClellan: Mr President—the House of Representatives have read three several times and passed by the constitutional majority, joint resolutions which originated in the Senate, proposing amendments to the constitution of the state of Alabama, so as to limit the tenure of the judges office to six years, and have

amended the same in the manner herewith shewn; in which amendments they desire the concurrence of the Senate.

The amendments by the House of Representatives to the joint resolution mentioned in the foregoing message, were read the first time and ordered to a second reading to-morrow.

A message from the House of Representatives by Mr Van Dyke: Mr President—the House of Representatives have read three several times and passed a bill which originated in the Senate, entitled an act to reduce the price of public lands in the counties of Madison and Morgan, to the price of like lands in other counties, and have amended the same in the manner herewith shewn, and have amended the title of the bill. *Ordered*, that the Senate concur in the several amendments made by the House of Representatives, to the bill mentioned in the foregoing message. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Van Dyke: Mr President—the House of Representatives have read three several times and passed a bill which originated in their House, entitled an act for the relief of the Warrior Guards; in which they desire your concurrence. They have also passed a bill which originated in the Senate, entitled an act for the relief of Sally Turner, executrix of Charles H. Turner, dec. and have amended the same by striking out all after the title, and inserting another bill in lieu thereof; in which amendment they desire your concurrence.

A bill from the House entitled an act for the relief of the Warrior Guards, was read, and the rule requiring bills to be read on three several days being dispensed with by the requisite majority, the bill was read the second and third time forthwith and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

The Senate resumed the consideration of the amendment made by the House, to the bill entitled an act for the relief of Sally Turner, executrix of Charles H. Turner, dec. The amendment being amended on Mr Abercrombie's motion was agreed to. *Ordered*, that the secretary acquaint the House of Representatives therewith.

An engrossed bill to be entitled an act to regulate the interchange of the circuit judges, was read the third time, and the question being put "shall the bill pass?" it was decided in the affirmative. Yeas 13—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Conner, Crawford, Edmondson, Evans, Guth, Hogan, Irwin, Morton, Pickett, Smith, Vining and Watkins—Those who voted in the negative are Messrs Abercrombie, Hubbard, Jackson, Perry, and Walthall.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A message from the House of Representatives by Mr Van Dyke: Mr President—the House of Representatives disagree to the amendment made by the Senate, to the bill entitled an act further to provide for the location of the seat of justice of Pickens county. *Ordered*, that the bill and amendment lie on the table till to-morrow.

Engrossed bill entitled an act to authorize Daniel Fields and associates to turnpike a road in the county of Blount, and an act to authorize certain persons to practice law in this state, were severally read the third time and passed. *Ordered* that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

A bill from the House of Representatives entitled an act to amend an act authorizing Wyatt Cheatham to cut out and establish a turnpike road, was read the third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Watkins offered the following resolution: *Resolved*, that the standing committee on the State Bank be instructed to inquire into the expediency of giving the power to the President and Directors of said Bank, to employ the additional clerk, authorized by an act of the 1st session, for the whole year, which was adopted.

Mr Hogan offered the following resolution: *Resolved*, that the committee on the state capitol be instructed to report a bill to reduce the salary of the state architect, which was rejected.

Mr Jackson introduced a bill to be entitled an act to enable the state of Alabama to sell and dispose of certain reserved lands therein named, which was read and ordered to a second reading to-morrow.

And then the Senate adjourned till to-morrow morning at ten o'clock.

Tuesday, January 12th, 1830.

The Senate met pursuant to adjournment.

Mr Morton presented the petition of sundry citizens of Franklin county, praying a division of said county which together with one heretofore presented on the same subject, was referred to a special committee, consisting of messrs Morton, Jackson and Edmondson.

Mr Perry, from the committee on the judiciary to which was referred a bill to be entitled an act to extend the power of the county and orphan's courts in certain cases, and for other purposes, reported the same as amended, which was concurred in. The bill was then read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Evans from the special committee to which was referred a bill to be entitled an act to provide for the appointment of pilots on the Alabama and Tombigbee rivers and their tributary waters, reported the same as amended. Mr Hogan moved to amend the proposed amendment by striking out that part which prohibits the use of hooks in loading and unloading boats with cotton, which was lost. Yeas 15—Nays 1.

Mr Hogan voted in the affirmative.—Those who voted in the negative are Mr President, Conner, Crawford, Edmondson, Evans, Garth, Irwin, Jackson, Merriwether, Moore, Perry Pickett, Vining, Walthall, and Watkins.

The amendments proposed by the committee to the bill were then concurred in. The rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. *Ordered*, that the title of the bill be "an act to regulating the duties of masters and owners of steam boats on the Alabama and other rivers, and for other purposes."

Mr Hubbard, from the special committee to which was referred a bill entitled an act prescribing the duties of the register of the land office at Courtland and for other purposes, reported that it is inexpedient in the opinion of the committee to pass the bill. *Ordered*, that the bill and report lie on the table.

Mr Hogan, from the committee on the State Bank to which was referred a resolution on the subject, reported a bill to be entitled an act to amend an act to authorize the employment of an additional clerk of the Bank of the State of Alabama, passed 29th January, 1829, which was read. Mr Hogan moved that the rule requiring bills to be read on three several days be dispensed with, and that the bill be read the second time forthwith, which was lost, four fifths being necessary. Yeas 13—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Conner, Crawford, Garth, Hogan, Merriwether, Moore, Perry, Smith, Vining, Walthall and Watkins. —Those who voted in the negative are Messrs Edmondson, Evans, Hubbard, Jackson, Pickett, and Wood.

Ordered, that the bill be made the order of the day for a second reading to-morrow.

Mr Perry, from the committee on the judiciary to which was referred a bill to be entitled an act more effectually to prevent frauds and combinations in the sale of the public lands of the United States, reported that it is inexpedient to pass the bill. *Ordered*, that the bill and report lie on the table till to-morrow.

A message from the House of Representatives by mr Tunstall: Mr President—The House of Representatives disagree to the amendments made by your honorable body to the bill entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes, by striking out of the third section the word 'sixty' and by inserting in lieu thereof the word 'ninety.' They also disagree to the amendment made to the 5th section by striking out all after the word 'well,' in the 21st line, down to the word 'and' in the 29th line; they also disagree to the amendments made to the bill, by adding thereto sundry sections from No. 13 to No. 18; they concur in the amendment made to the 7th section, and have amended the same as herewith shewn—in which they desire your concurrence. They also concur in the amendment made to the 8th section and have amended the same by adding thereto section, No. 9, in which they desire your concurrence. They concur in all the other amendments to said bill. They have read three several times and passed a bill which originated in the Senate, entitled an act to authorize Haynes Crabtree to emancipate certain slaves therein named. They concur in the amendments made by the Senate to their amendments made to the bill entitled an act to incorporate the trustees of the Sims' female academy in Tuscaloosa. They disagree to the amendments made by your honorable body to the bill entitled an act to amend an act entitled an act to regulate the licensing of physicians, and for other purposes therein named, passed, Dec. 22d, 1823. They concur in the amendments made by your honorable body to the bill entitled an act to alter the time of holding the circuit courts in the counties of Limestone and Lawrence. They have also read three several times and passed, bills which originated in their house of the following titles, to wit: an act to regulate the landing of goods by steam boats and barges, and for other purposes; and an act supplemental to an act, passed the 15th day of January, 1828, entitled an act to authorize the sales of 16th sections, and for other purposes,—in which they desire your concurrence.

Mr Hubbard moved that the Senate insist on their amendment to the bill entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes, by striking from the third section the word *sixty* and inserting *ninety*, which was carried. On motion of Mr Hubbard, ordered, that the senate insist on their amendment to the 5th section of the bill. *Ordered*, that the Senate recede from their amendment to the bill by adding thereto sections numbered from 13 to 18. *Ordered*, that the Senate concur in the amendments made by the House of Representatives to their amendments to the 7th and 8th sections of the bill. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Perry moved that the Senate insist on their amendment to the bill intitled an act to amend an act entitled an act to regulate the licensing of physicians to practice and for other purposes therein named, passed Dec. 22d, 1823, which amendment relates to a medical board at Selma, which was carried. Yeas 10—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Crawford, Hogan, Jackson, Perry, Pickett, Smith, Vining and Waitball.—Those who voted in the negative are Messrs Garth, Hubbard, Irwin, Merriwether, and Watkins.

Ordered, that the Secretary acquaint the House of Representatives therewith.

A bill from the House of Representatives entitled an act to regulate the landing of goods by steam boats and barges, and for other purposes, was read the first time. Mr Hogan moved that the bill lie on the table, which was lost. Ordered, that it be made the order of the day for a second reading to-morrow.

A bill to be entitled an act supplemental to an act passed the 15th day of January, 1828, entitled an act to authorize the sale of 16th sections and for other purposes, was read the first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith, and referred to the committee on the judiciary.

Mr Vining, from the joint committee on enrolled bills, reported as correctly enrolled, a joint resolution requiring the officers of the comptroller and treasurer to be examined annually; an act to amend an act to authorize the building of a jail in Morgan county; an act to incorporate Marion academy in Perry; an act for the relief of Benjamin Hudson and William Albrooks; a joint memorial requesting a grant of land by the Congress of the United States for the use of a female academy in each county of this state; and joint resolutions proposing amendments to the constitution of the state of Alabama so as to have biennial sessions of the General Assembly thereof,—all of which were accordingly signed by Mr President.

A message from the House of Representatives by Mr McClellan: Mr President—The House of Representatives have read three several times and passed, a bill which originated in their house, entitled an act to establish a board of internal improvement, for the state of Alabama, in which they desire the concurrence of the Senate.

The bill mentioned in the foregoing message was read the first time, and the rule requiring bills to be read on three several days being dispensed with by four fifths, the bill was read the second time and referred to a special committee, consisting of messrs Hogan, Hubbard and Jackson.

A bill to be entitled an act to amend an act entitled an act concerning forcible entries and detainers, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. Ordered, that the title be as aforesaid and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to establish the county of Lownds, was read the second time.

And then the Senate adjourned till three o'clock this evening.

EVENING SESSION.—The Senate resumed the consideration of the bill entitled an act to establish the county of Lowndes. Ordered, that the bill be committed to a special committee consisting of messrs Abercrombie, Perry, Watkins, Smith, Evans, and Irwin.

A message from the House of Representatives by Mr Van Dyke: Mr President—The House of Representatives have read three several times and passed, a bill which originated in their house entitled an act to designate a part of the line between the counties of Tuscaloosa and Bibb, in which they desire the concurrence of the Senate.

The bill mentioned in the foregoing message was read the first time, and ordered to a second reading to-morrow.

A bill to be entitled an act to authorize the corporation of the city of Mobile to raise and organize engine and hook and ladder fire companies in said city, and for other purposes, was read the second time. Mr Hogan moved to strike from the first section of the bill "one hundred" and insert "fifty" as the whole number of the members of said companies, which was carried. Mr Hogan moved to strike from the fourth section "fifty" and insert "twenty dollars" as the extent of the fine authorized to be imposed as a punishment for delinquencies on the part of the members of said companies which was carried. Mr Hogan moved to strike out the proviso at the end of the sixth section of the bill, and to strike out the seventh and eighth sections which was carried. The rule requiring bills to be read on three several days being dispensed with, the bill was read the third time as amended and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Moore, from the joint committee on enrolled bills, reported as correctly enrolled, an act to regulate certain proceedings of county courts; an act to re-examine and revalue so much of the lands granted to this state by Congress, for the improvement of the navigation of the Tennessee and other rivers, as lies in the counties of Madison and Morgan; joint resolution instructing our Senators and requesting our Representatives in Congress, to use their exertions to procure a remission of the duties which may accrue upon the importation of a library and apparatus for the university of Alabama—all which were accordingly signed by Mr President.

A bill to be entitled an act to authorize the state to grant the old state house in the town of Cahawba, to the county of Dallas, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act authorizing the court of revenue and roads of the county of Madison to make an appropriation for the support of Isham Burke, a pauper of said county, was read the second time, and the rule requiring bills to be read on three several days, being dispensed with, the bill was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Joint resolutions proposing to amend the constitution of the United States, changing the term of service of the President and Vice President of the United States, were read the second time. Mr Hogan moved to strike out six years, the proposed term of service of the President and Vice President, which was lost. Yeas 9—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Crawford, Evans, Hogan, Hubbard, Merriwether, Moore, Vining, Walthall and Wood — Those who voted in the negative are Mr President, Abercrombie, Conner, Edmondson, Garth, Irwin Jackson, Perry, Pickett, Smith and Watkins.

Mr Hubbard offered the following amendment to the resolutions, to wit: *And be it further resolved*, that it is expedient to amend the constitution of the United States, so as to provide a uniform mode of electing a President, and Vice President throughout the several states and to give the people of the United States the privilege of voting directly for the President and Vice President without the intervention of electors, reserving to the states respectively their due weight in relation to said election, as is now guaranteed to them by the constitution of the United States, and that the election of President and Vice President should in no case whatever be submitted to the decision of the House of Representatives of the United States. *Ordered*, that the resolutions and proposed amendments lie on the table till tomorrow.

Mr Moore introduced a bill to be entitled an act to change the time of holding the county court of Jackson county, which was read and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time. Mr Jackson offered an amendment to the bill changing the time of holding the county court of Lauderdale county, which was adopted. *Ordered*, that the bill be engrossed for a third reading to-morrow.

A bill to be entitled an act to change the time of holding the county court of Clarke and Pickens counties was read the third time as amended and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to repeal in part a certain act therein named, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, it was read the third time and passed. *Ordered*, that the title be as aforesaid and that it be sent to the House of Representatives for their concurrence.

Mr Jackson moved that the Senate recede from their amendment to the bill entitled an act, further to provide for the location of the seat of justice in Pickens county, which was carried. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

The amendments made by the House of Representatives to the joint resolution proposing amendments to the constitution of the state of Alabama, so as to limit the tenure of the judge's office to six years, were read the second time and ordered to a third reading to-morrow.

A bill to be entitled an act to enable the state of Alabama to sell and dispose of certain reserved lands therein named, was read the second time and ordered to be engrossed for a third reading to-morrow.

Mr Jackson moved that the bill entitled an act to increase the capital of the Bank of the State of Alabama, and to provide for the establishment of a branch of said Bank, be now taken up, which was lost.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Wednesday, January 13, 1830.

The Senate met pursuant to adjournment.

Mr Jackson presented the petitions of sundry persons residing in Roops Valley and its vicinity, praying an alteration in the line between Bibb and Tuscaloosa counties, which were read and referred to a special committee, consisting of Messrs Jackson, Crawford and Hogan.

Mr Hogan from the special committee, to which was referred a bill to be entitled an act to establish a board of internal improvement, reported the same without amendment. The bill was then read the third time, and the question being put "shall the bill pass?" it was determined in the affirmative. Yeas 16—Nays 4.

The yeas and nays being desired those who voted in the affirmative are messrs Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Jackson, Merriwether, Moore, Perry, Smith, Vining, Watkins and Wood.—Those who voted in the negative are Mr President, Irwin Pickett and Walshall.

A message from the House of Representatives by Mr Van Dyke: Mr President—the House of Representatives have rejected the following bills which originated in the Senate, to wit: An act to reduce the fees of the clerk of the supreme court of this state; and an act to authorize the guardians of the minor heirs of Samuel Bones, deceased, to sell and convey certain real estate. They have read three several times and passed a bill which originated in the Senate, entitled an act to incorporate the stockholders and subscribers to the newly invented marine railway in the city of Mobile, under

Rogers' patent. They have also passed a bill which originated in the Senate, entitled an act to incorporate the Tuscumbia railway company, and have amended the same in the manner herewith shewn; in which amendment they desire the concurrence of the Senate. They have also read three several times and passed a bill which originated in their House, entitled an act to repeal in part a certain act therein named; in which they also desire your concurrence.

Ordered, that the bill entitled an act to incorporate the Tuscumbia railway company, together with the amendment made thereto by the House of Representatives, lie on the table.

A bill from the House entitled an act to repeal in part a certain act therein named, was read the first time. Mr Irwin moved that the bill lie on the table till the first day of the next session, which was carried.

On motion of Mr Jackson the bill entitled an act to increase the capital of the bank of the state of Alabama, and to provide for the establishment of a branch of said bank, was taken up. Mr Jackson moved to strike out all the bill after the enacting clause, and to substitute another bill in lieu thereof. Mr Hogan moved to amend the proposed amendment by striking therefrom that part *excepting Mobile*, as a place where such branch shall be located, which was carried. Yeas 11—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Conner, Crawford, Evans, Hogan, Irwin, Merriwether, Perry, Smith, Walthall and Watkins—Those who voted in the negative are Messrs Abercrombie, Edmondson, Garth, Hubbard, Jackson, Vining, and Wood.

The question was then put on the adoption of Mr Jackson's amendment and carried. Mr Abercrombie moved that the bill lie on the table till the first Monday in August next, which was lost. Yeas 7—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie Crawford Irwin Merriwether Perry Pickett and Walthall

On motion of Mr Jackson, Ordered, that the bill lie on the table, and that fifty copies thereof be printed for the use of the Senate.

Mr Hogan moved that the bill entitled an act to establish an office of discount and deposit of the bank of the state Alabama at —, be now taken up, which was lost.

Mr Pickett introduced a bill to be entitled an act to authorize the judge of the county court and commissioners of revenue and roads, to contract for the building of a jail in Tuscaloosa county, which was read the first and second time and ordered to be engrossed for a third reading to-morrow.

Mr Pickett also introduced a bill to be entitled an act to increase the capital stock of the bank of the state of Alabama, and a call of the House being demanded, the bill was laid on the table for one hour, under the rule of the Senate.

A bill to be entitled an act to amend an act entitled an act to authorize the employment of an additional clerk of the bank of the state of Alabama, passed 29th January, 1829, was read the 2nd time. Mr Hogan moved that the bill be engrossed and made the order of the day for a third reading to-morrow, which was lost. Yeas 7—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Conner, Garth, Hogan, Moore, Smith and Watkins—Those who voted in the negative are Messrs Abercrombie, Crawford, Edmondson, Evans, Hubbard, Jackson, Merriwether, Perry, Pickett, Vining, Walthall and Wood.

Mr Wood, from the military committee to which was referred a bill to be entitled an act to authorize the commanding officers of the 11th regiment muster ground reported the same without amendment; the bill was then read

the third time and passed. Ordered that the Secretary acquaint the House of Representatives therewith.

Mr Vining, from the joint committee on enrolled bills reported as correctly enrolled, an act to prevent the evil practice of betting on elections; an act supplementary to an act passed the December 14, 1827, prescribing the mode of contesting elections; an act for the relief of the Warrior Guards; an act to amend an act authorizing Wyatt Cheatham to cut out and establish a turnpike road; an act making permanent the act prescribing the duties of sheriffs, and returning officers in holding elections, and returning the votes of all persons voting on proposed alterations of the constitution of the state of Alabama, approved January 26, 1829; an act to authorize Haynes Crabtree to emancipate certain slaves therein named, and an act to incorporate the trustees of the Sams' female academy, in the town of Tuscaloosa, all of which were accordingly signed by Mr President.

Mr Abercrombie, from the special committee to which was referred a bill to be entitled an act to establish the county of Lowndes, reported the same as amended, which was concurred in. Ordered, that the bill lie on the table till 3 o'clock this evening.

Mr Perry introduced a bill to be entitled an act to incorporate the library society of the bench and bar of the supreme court of Alabama, which was read the first and second time and laid on the table.

And then the Senate adjourned till 3 o'clock this evening.

EVENING SESSION—Mr Moore, from the joint committee on enrolled bills, reported as correctly enrolled; an act further to provide for the location of the seat of justice in Pickens county; an act to authorize the court of Revenue of roads for Madison county, to make an appropriation for the support of Isham Burke, a pauper of Madison county; and an act to authorize the state to grant the old state house in the town of Cahawba, to the county of Dallas, which were accordingly signed by Mr President.

The Senate resumed the consideration of the bill entitled an act to establish the county of Lowndes. Mr Evans moved to reconsider the vote of the Senate, concurring in the amendments proposed by the special committee to the bill, which was carried. Mr Evans then moved to strike from the bill the following words: "thence south to the township line between township 12 and 13, thence east to range line between the ranges twelve and thirteen, thence north with said line to the townships line between eleven and twelve," which was carried. Yeas 12—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are Mr President Edmondson Evans Hogan Merriweather Moore Perry Pickett Smith Vining Watkins and Wood — Those who voted in the negative are Messrs Abercrombie Crawford Garth Hubbard Irwin Jackson Morton and Walthall.

On motion of Mr Evans, ordered, that the bill be recommitted to a special committee consisting of the Senators from the counties adjoining or adjacent to the one proposed to be established.

Mr Irwin introduced a bill to be entitled an act to amend an act approved 15th January 1828, authorizing a lottery for the purpose of building an academy and court house in the county of Henry, which was read,—and the rule requiring bill to be read on three several days being dispensed with the bill was read the second and third time forthwith and passed. Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Perry called up the bill to be entitled an act to incorporate the library society of the bench and bar of the supreme court of Alabama,—the rule requiring bills to be read on three several days being dispensed with, the bill

was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A message from the House of Representatives by Mr Abbott : Mr President—the House of Representatives have read three several times and passed a bill which originated in their House entitled an act to attach a part of the counties of Clarke and Wilcox to the county of Monroe, and for other purposes ; in which they desire your concurrence.

Mr Jackson moved that the Senate adjourn till half past 9 o'clock to-morrow morning, which was carried. Yeas 11—Nays 8.

The yeas and nays being desired those who voted in the affirmative are Mr President Abercrombie Garth Hogan Jackson Moore Morton Perry Smith Vining and Watkins — Those who voted in the negative are Messrs Crawford Edmondson Evans Hubbard Merriwether Pickett Walthall and Wood.

The Senate accordingly adjourned.

Thursday, Jan. 14, 1830.

The Senate met pursuant to adjournment.

Mr Perry, from the committee on the judiciary to which was referred a bill to be entitled an act to amend the law on the subject of proving and recording deeds; reported the same without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a 3d reading to-morrow.

Mr Hogan, from the special committee to which was referred the report made by the comptroller on the returns of the auctioneers of the city of Mobile, and the report of the committee on propositions and grievances to whom the petition of the merchants of Mobile was referred, reported a bill to be entitled an act to regulate sales by auction in the city and county of Mobile, and for other purposes, which was read the first time. Mr Jackson moved that the bill lie on the table till the first day of the next session, which was lost. Yeas 5—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are messrs Edmondson, Garth, Jackson, Merriwether and Walthall.—Those who voted in the negative are Mr President, Crawford, Hogan, Hubbard, Irwin, Pickett, Smith, Vining and Wood.

Ordered, that the bill be made the order of the day for a second reading to-morrow.

A message from the House of Representatives by Mr Tunstall: Mr President—the House of Representatives have indefinitely postponed the bill which originated in the Senate entitled an act better to regulate the issuing of licenses to retailers of spirituous liquors. They have passed a bill which originated in the Senate entitled an act to authorize Daniel FIELDS and associates to turnpike a road in the county of Blount and have amended the same in the manner herewith shewn,—in which they desire your concurrence. They have also passed a bill which originated in the Senate entitled an act to authorize certain persons to practice law in this state. They concur in the amendment made by the Senate to their amendment to the bill entitled an act for the relief of Sally Turner, executrix of Chas. H. Turner, deceased. They have also passed a bill which originated in the Senate entitled an act to regulate the interchange of the circuit judges. They have indefinitely postponed the bill which originated in the Senate entitled an act regulating the duties of masters and owners of steamboats on the Alabama and other rivers and for other purposes. They have passed a bill which originated in the Senate entitled an act to extend the powers of the county and orphan's court in certain cases and for other purposes. They recede from their disagreement to the amendment made by the Senate to the bill entitled an act to amend an act entitled an act to regulate the licen-

sing of physicians to practice and for other purposes therein named, passed Dec. 22d 1823. They have indefinitely postponed the bill which originated in the Senate entitled an act to amend an act entitled an act concerning forcible entries and detainers. They receded from their disagreement to the amendments made by the Senate to the bill entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes. They concur in the amendment made by the Senate to the bill entitled an act to change the times of holding the county courts of Clarke and Pickens counties, and have amended said amendment in the manner herewith shewn,—in which they desire the concurrence of the Senate. They concur in the amendment made by the Senate to the bill entitled an act to authorize the corporation of the city of Mobile to raise and organize engine and hook and ladder fire companies in the said city and for other purposes by striking out \$50 and inserting \$20 as the extent of the fine; they disagree to all the other amendments made by the Senate to said bill. They have passed a bill which originated in their house entitled an act authorizing a lottery for the benefit of Autauga Lodge No. 31. of ancient free masons,—in which they desire the concurrence of the Senate. They have passed a bill which originated in the Senate entitled an act to establish the permanent seat of justice in Dale county, and have amended the same in the manner herewith shewn—in which they desire your concurrence. They have passed bills which originated in their House entitled an act to change the compensation of jurors in the counties of Henry and Dale: and, an act to amend an act passed Dec. 10, 1823 entitled an act to amend an act to incorporate the Huntsville fire engine company passed Dec. 10, 1822.—in which they desire your concurrence. They have also passed a bill which originated in the Senate entitled an act to amend an act passed at the General Assembly and approved 15th January 1828, authorizing a lottery for the purpose of building an academy and court house in the county of Henry, and have amended the title thereof in the manner herewith shewn. They have also passed a bill which originated in the Senate entitled an act to incorporate the library society of the bench and bar of the supreme court of Alabama, and have amended the same in the manner herewith shewn,—in which they desire your concurrence. They have also passed a bill which originated in the Senate entitled an act to reduce the county tax of Franklin county, and have amended the title of the bill as herewith shewn. They have also passed bills which originated in their House entitled an act more effectually to prevent the circulation of what are termed change bills or tickets; and, an act for the relief of Michael Robbins,—in which they desire your concurrence.

Ordered, that the Senate concur in the amendment made by the House of Representatives to the bill entitled an act to authorize Daniel Fields and associates to turnpike a road in the county of Blount. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Ordered, that the Senate concur in the amendment made by the House of Representatives to the amendment to the bill entitled an act to change the times of holding the county courts of Pickens and Clarke counties.—*Ordered*, that the secretary acquaint the House of Reps. therewith.

A bill to be entitled an act more effectually to prevent the circulation of what are termed change bills or tickets, was read the first time; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and referred to a special committee consisting of messrs Jackson, Perry and Hubbard.

A bill to be entitled an act for the relief of Michael Robbins was read

and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed.

On motion of mr Hogan, *ordered*, that the Senate recede from their amendment to the bill entitled an act to authorize the corporation of Mobile to raise and organize engine and hook and ladder fire companies in said city, and for other purposes, by striking out "one hundred" and inserting "fifty" as the number of members, &c. *Ordered*, that they also recede from their amendment by striking the proviso from the end of the sixth section of the bill. *Ordered*, that the Senate recede from their amendment by striking out the seventh section of the bill. *Ordered*, that they insist on their amendment by striking out the eighth section of the bill. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to authorize a lottery for the benefit of Autoga lodge, No. 31, of ancient free masons, was read the first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the bill entitled an act to establish the permanent seat of justice in Dale county together with the amendment made thereto by the House of Representatives, lie on the table.

A bill to be entitled an act to change the compensation of jurors in the counties of Henry and Dale, was read and ordered to a second reading tomorrow.

A bill to be entitled an act to amend an act passed December 10th, 1823, entitled an act to amend an act to incorporate the Huntsville fire engine company passed, Dec. 10th, 1822, was read, and the rule requiring bills to be read on three several days being dispensed with the bill was read the second and third time and passed. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Ordered, that the Senate concur in the several amendments made by the House of Representatives to bills entitled an act to amend an act approved, 15th January, 1828, authorizing a lottery for the purpose of building an academy and court house in the county of Henry; an act to incorporate the library society of the bench and bar of the supreme court of Alabama; and an act to reduce the county tax of Franklin county. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Hubbard, from the special committee to which was referred a memorial to the Congress of the United States in relation to forfeited lands within the state and now advertised for sale by the proclamation of the President, reported the same as amended, which was concurred in. The memorial as amended was then read the third time and adopted. *Ordered*, that the title be a memorial of the General Assembly of the state of Alabama, on the subject of forfeited and relinquished lands in said state. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

Mr Jackson, from the committee on the judiciary to which was referred a bill to be entitled an act supplementary to an act passed, 15th January, 1828, entitled an act to authorize the sale of sixteenth sections, and for other purposes, reported the same as amended, which was concurred in. The bill was then read the third time, and the question being put, Shall the bill pass? it was decided in the affirmative. Yeas 13—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are mr President Conner Crawford Edmondson Garth Hubbard Jackson Merriwether Smith Vining Walthall Watkins and Wood.—Those who voted in the negative are messrs Evans Hogan Moore Perry and Pickett. So the bill was passed

Ordered, that the Secretary acquaint the House of Reps. therewith,

Mr Walthall offered the following resolution : *Resolved*, that the Secretary of the Senate be authorized to employ an additional assistant Secretary for the remainder of the session, which was adopted. Yeas 16—Nays 1.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Conner, Crawford, Edmondson Garth, Hubbard, Jackson Merriweather, Moore, Perry, Pickett, Smith, Vining Walthall Watkins and Wood.—Mr Hogan voted in the negative.

Mr Perry called up the bill to be entitled an act to establish certain election precincts therein specified. Mr Jackson moved to amend the bill by establishing an additional election precinct, at the house of Chesley 3. Roundtree, in Lauderdale county which was carried. Mr Smith moved to to amend the bill by discontinuing the election precinct heretofore established at Arthur Garners in Monroe county, which was carried. The bill was read the third time and passed. Ordered, that the Secretary acquaint the House of Representatives therewith.

Mr Pickett presented the account of James H. Gorman against the state which was referred to the committee on accounts and claims.

Mr Perry introduced a bill to be entitled an act to revive and continue in force an act to incorporate the town of Selma in the county of Dallas, passed 4th December, 1829, which was read and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed. *Ordered*, that the title of the bill be as aforesaid and that it be sent to the House of Representatives for their concurrence.

Mr Morton, from the special committee to which was referred the petition of sundry citizens of Franklin county, praying a division of said county, asked to be discharged from the further consideration thereof, which was agreed to.

Mr Morton, from the special committee to which was referred a bill to be entitled an act to authorize a road from the northeast corner of capitol square in the town of Tuscaloosa, to the Warrior river, where the eastern boundary of said town intersects the same, reported the bill without amendment. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr Evans, from the special committee to which was referred a bill to be entitled an act to establish the county of Lowndes, reported the same without amendment. Mr Evans moved to reconsider the vote of the Senate on his motion to strike from the bill that part which annexed the twelfth township to the county of Lowndes, which was carried. *Ordered*, that the bill lie on the table till to-morrow.

And then the Senate adjourned till 3 o'clock this evening.

EVENING SESSION.—A message from the House of Representatives by Mr Abbott: Mr President—the House of Representatives have read three several times and passed a bill which originated in their House, entitled an act to alter the time of holding the county courts in the counties of Marion and Dale; in which they desire the concurrence of the Senate.

The bill mentioned in the foregoing message was read the first time and ordered to a second reading to-morrow.

Mr Irwin called up the bill entitled an act to establish the permanent seat of justice in Dallas county. *Ordered*, that the Senate concur in the amendment made thereto by the House of Representatives. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Abbott: Mr President—The House of Representatives have passed a bill which originated in

their House, entitled an act to provide compensation to constables for arresting deserted or runaway seamen; in which they desire the concurrence of the Senate.

The bill mentioned in the foregoing message was read the first time. Mr Hogan moved that that the bill be made the order of the day for its second reading to-morrow, which was lost. Yeas 6—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Crawford, Evans, Hogan, Moore and Pickett—Those who voted in the negative are Messrs Edmondson, Irwin, Jackson, Merriwether, Perry, Smith, Vining, Walthall, Watkins and Wood.

A message from the House of Representatives by Mr Abbott: Mr President.—The House of Representatives have passed a bill which originated in the Senate, entitled an act to authorize the inhabitants of township two, range one east, in Madison county to hold an election for the purpose of ascertaining the wishes of said inhabitants, in regard to selling the 16th section therein, and for other purposes, and have amended the same in the manner herewith shewn in, which they desire your concurrence.

Ordered, that the Senate concur in the amendment made by the House of Representatives to the bill mentioned in the foregoing message, and that the Secretary acquaint the House of Representatives therewith.

Ordered, that the Senate concur in the amendments made by the House of Representatives, to the bill entitled an act to incorporate the Tuscumbia railway company. *Ordered*, that the secretary acquaint the House of Representatives therewith.

The bill introduced by Mr Pickett on yesterday, to be entitled an act to increase the capital stock of the bank of the State of Alabama, was read the first time. Mr Pickett moved that the rule requiring bills to be read on three several days be dispensed with, and that the bill be read the second time forthwith, which was lost. Yeas 10—Nays 4. 4-5 being necessary.

The Yeas and nays being desired, those who voted in the affirmative are messrs Crawford Evans Hogan Irwin Merriwether Perry Pickett Smith Vining and Wood—Those who voted in the negative are Mr President Jackson Walthall and Watkins.

Ordered, that the bill be made the order of the day for a second reading to morrow.

The amendments made by the House of Representatives to the joint resolution, proposing amendments to the constitution of the state of Alabama, so as to limit the tenure of the judges office to six years, were read the third time and concurred in, and the resolution as amended was ratified. Yeas 15—Nays 2.

The yeas and nays being desired those who voted in the affirmative are mr President Abercrombie Crawford Evans Hogan Hubbard Jackson Merriwether Moore Perry Pickett Smith Walthall Watkins and Wood—Those who voted in the negative are messrs Edmondson and Vining.

Ordered, that the secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Abbott: Mr President—the House of Representatives have read three several times and passed a bill which originated in the Senate, entitled an act to authorize James Davis and associates to turnpike a certain road therein named, and have amended the same as herewith shewn; in which amendment they desire your concurrence.

Ordered, that the bill and amendments lie on the table.

A bill to be entitled an act to regulate the landing of goods by steamboats and barges and for other purposes, was read the second time. Mr Hogan

offered the following amendment to the bill "provided no master, owner, or commander of any steamboat shall employ any slave or free negro as pilot on board any such steamboat, under a penalty of fifty dollars, to be recovered before any justice of the peace, one half for the benefit of the informer, and the other for the benefit of the marine hospital, in the city of Mobile, which was rejected. Yeas 6--Nays 11.

The yeas and nays being desired those who voted in the affirmative are Mr President, Crawford, Evans, Hagan, Moore and Wood.---Those who voted in the negative are messrs Abercrombie, Edmundson, Hubbard, Jackson, Merriwether, Perry, Pickett, Smith, Vining, Walthall and Watkins.

Mr Hagan then moved that the further consideration of the bill be indefinitely postponed, which was lost. Yeas 5--Nays 12.

The yeas and nays being desired, those who voted in the affirmative are messrs Hagan, Perry, Vining, Watkins and Wood.---Those who voted in the negative are Mr President, Abercrombie, Crawford, Edmundson, Evans, Hubbard, Jackson, Merriwether, Moore, Pickett, Smith, and Walthall.

Ordered, that the bill be made the order of the day for a third reading tomorrow.

On motion of Mr Hagan, the bill entitled an act to appoint commissioners to mark and lay out a certain road therein specified, was referred to a special committee, where upon Messrs Hagan, Evans and Smith were appointed.

A bill to be entitled an act to designate a part of the line between the counties of Tuscaloosa and Bibb, was read the second time. Mr Jackson moved that the bill be committed to a special, which was lost. Yeas 9--Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Mr President Abercrombie, Edmundson, Evans, Jackson, Merriwether, Perry, Vining and Wood.---Those who voted in the negative are messrs Crawford, Garth, Hagan, Hubbard, Irwin, Moore, Pickett, Smith, Walthall and Watkins.

Ordered, that the bill be committed to the committee on county boundaries.

Mr Jackson, from the special committee to which was referred the petitions of sundry persons residing in that part of Bibb county, which formerly belonged to Tuscaloosa, and of sundry citizens of Reeps Valley, praying that a part of Bibb may be reannexed to Tuscaloosa, asked to be discharged from the further consideration thereof, which was agreed to. *Ordered*, that the petitions be referred to the committee on county boundaries.

Mr Irwin moved that the Senate adjourn till 10 o'clock to-morrow morning, which was lost. Yeas 9 Nays 9.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Hagan, Hubbard, Irwin, Moore, Perry, Smith, Watkins and Wood.---Those who voted in the negative are messrs Crawford, Edmundson, Evans, Garth, Jackson, Merriwether, Pickett, Vining and Walthall.

The Senate resumed the consideration of the bill entitled an act more effectually to prevent frauds and combinations in the sale of the public lands of the United States. Mr Crawford moved that the Senate disagree to the report of the judiciary committee, saying that it is inexpedient to pass the bill, which was carried. Yeas 11--Nays 7.

The yeas and nays being desired, those who voted in the affirmative are Messrs Crawford, Evans, Garth, Hubbard, Irwin, Merriwether, Pickett, Smith, Walthall, Watkins and Wood.---Those who voted in the negative are Mr President, Edmundson, Hagan, Jackson, Moore, Perry, and Vining.

Mr Moore, from the joint committee on enrolled bills reported as correctly enrolled an act to regulate the county tax of Franklin county; an act

to authorize certain persons to practice law in this state ; an act to regulate the interchange of circuit judges ; an act to amend an act approved 15 Jan. 1828 authorizing a lottery for the purpose of building an academy in the county of Henry ; an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes ; an act to incorporate the stockholders and subscribers to the newly invented marine railway in the city of Mobile under the Rodgers' patent ; an act to establish the permanent seat of justice of Dale county ; and, an act to authorize the inhabitants of township two, range one east in Madison county to hold an election for the purpose of ascertaining the wishes of said inhabitants in regard to selling the 16th section therein, and for other purposes ; all of which were accordingly signed by Mr President.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Friday January 15, 1830.

The Senate met pursuant to adjournment.

The following communication was received from his excellency the Governor, by George N. Stewart, Esq.

EXECUTIVE DEPARTMENT, Tuscaloosa, Jan. 14th 1830.

To the Hon. President and Members of the Senate :

GENTLEMEN—I have great pleasure in transmitting, by their acting Secretary, the annual report of the Board of Trustees of the University of Alabama, which doubtless will be read with much interest. I have the honor to be, most respectfully, your obedient servant.

GABRIEL MOORE.

The Board of Trustees of the University of Alabama respectfully submit their annual report to the General Assembly. The financial situation of the Institution will be seen from the following statement: CAPITAL STOCK.

The proceeds of the sale of 21,845 75 acres of land, up to the 8th day of Dec. 1829,	304,651 06
Of this amount there has been received in cash and invested in six per cent State stock the sum of	111,712 59 1-4
There are bonds outstanding and now due to the amt of	38,864 35 1-2
Bonds outstanding and which will fall due in 1830, to the amount of	5,153 19 1-2
in 1831	45,883 40 1-2
in 1832	17,532 59 1-4
in 1833	46,476 21 1-2
in 1834	1 44 77
in 1835	14,940 56
in 1836	13,222 22 1-4
in 1837	9 46 15

And there are remaining unsold 24,234.25 of acres of land

INCOME FUND.

From all sources,	51,620 76
Consisting in Six per cent Stock of the state	16,941 77 1-4
Cash in the Treasury 26th Nov. 1828	5 903 31 1-4 22,845 08 1-2
Cash dividend upon \$128,654 36 1-2 Six per cent State Stock, declared Nov. 9, 1829	7,549 21
Cash for rent of lands on interest bonds, and interest on bonds for deferred payments from 26th Nov. 1828 to 26th Nov. 1829,	4,226 46 1 2 11,775 67 1-2
Cash amount borrowed by the University from the State Bank, and unpaid,	17,000 00

DISBURSEMENTS.

There has been disbursed from 26th Nov. 1828, to the 26th Nov. 1829

As follows, to wit :

Towards buildings of the University,

Current expenses of the Board and to agent for selecting

the sum of 30,213 07 3-4
27,664 19 1-4

lands for the University,	1,217 93
Agent's salary,	938 25
Agent's commission for collecting Income Fund from the 26th Nov. 1828, to the 26th Nov. 1831	129 20
Interest retained by the Bank on 17 000 dollars the amount borrowed from said Bank during 1829,	263 50

The Board of Trustees further report, that the detail of all their proceeding since the last annual report, will be seen by an examination of the journals, to which they respectfully refer your honorable body. At the same time they have felt it their duty to present herewith, a condensed expose of some of the most prominent which have claimed attention or occupied their deliberations since the last annual report. The building committee and the board of trustees, with the assistance of Mr Wm Nichols, state architect, in discharge of the duty assigned to them entered into some, and perfected other contracts for the completion of the University buildings, required to be contracted for, by a previous resolution of the board. It is believed that those contracts were judiciously made, and entered into upon terms as advantageous to the State and University, as could have been anticipated. Under those contracts, the several contractors progressed in the erection and completion of said portions of the University building as were contemplated by their respective contracts, and as the work progressed, the several contractors were paid pursuant to the terms of their contracts respectively. The application of the University fund to those contracts, as well as to the progress of the University buildings will be seen by the report of the building committee and the State Architect, hereto appended; and the Board of Trustees entertain a sanguine hope, that those buildings will be completed by the——day of——. Shortly after their last annual report the board of trustees felt a deep solicitude, both to husband and economise as far as practicable, the funds of the University, and at the same time to establish such Professorships, provide such compensation and to direct such a course of instruction in the University, as in their opinion, would promote the great and legitimate purposes of the institution.

By a resolution of their board a committee was appointed to take this important matter into their consideration, who, after maturely considering the subject referred to their deliberation reported, as their opinion, that it would be advisable and proper to commence the course of instruction in this Institution with four professors, one of whom to preside over the faculty; and that in the selection of those professors it would be advisable to have particular regard to their qualifications for teaching the following branches of literature and science, viz: 1st Ancient languages, including the higher grade of the Latin and Greek languages; Ancient and Modern History; Geography Ancient and Modern, with the use of the Globes, to be assisted by a Tutor. 2d Mathematics and Natural Philosophy, including the higher branches of numerical Arithmetic, Algebra, Trigonometry, plain and spherical Geometry, Mensuration, Conic Sections, Fluxions or Differentials, Mechanics Statistics, Hydrostatics, Hydraulics, Acoustics, Optics and Astronomy to be assisted by a Mathematical Tutor. 3d Natural History, including Botany, Zoology, Mineralogy, Chemistry and Geology, with the application of Chemistry to the arts and agriculture. 4th Moral Philosophy, including mental Science generally, Belles Lettres, Logic and Rhetoric. In which report the board of trustees concurred.

The board believing that the great end and purposes of the institution would be greatly advanced by the selection of persons of superior literary acquirements and attainments in science, determined to assign to each professorship such a salary per annum as would provide a suitable compensation therefor, and at the same time accord, under the circumstances, with a prudent economy. Provision was therefore made by the board, that the salary of the Professors first to be appointed in the University of Alabama, should be established at fifteen hundred dollars per annum, together with certain tuition fees, hereafter to be determined by the board, and providing that the compensation to each professor should in no event, be less than two thousand dollars. The board also provided for an adjunct professor of Chemistry and assigned to him a salary of one thousand dollars per annum. The board also appointed a select committee to open a correspondence in relation to the selection of suitable persons for professors, tutors, &c. who discharged the duty assigned to them; and at the present meeting of the board, Dr Philip Lindsey was appointed Professor of Moral Philosophy, designated as the fourth chair, and to preside over the institution; Dr Gurdon Sattsonstall, Professor of Mathematics, and designated as the second chair; Dr John Fielding Wallace, to be Professor of Natural History, &c. and designated as the third chair; Dr William A. King, as adjunct Professor of Chemistry, and the Rev. William Hooper, to be Professor of Ancient Languages, &c. and designated as the first chair.

The board of trustees further report, that the purchasers of University lands in the

county of Franklin, recently presented to their board, a memorial setting forth their peculiar condition and praying for an extension of time for the payment of the purchase money due from them respectively, and agreeing to pay legal interest during the period of such suspension of payment; which the board deemed it expedient and conducive to the interest of the University to grant, on their securing beyond all doubt, the ultimate and punctual payment, at the periods designated, of the several amounts due from them respectively.

In closing their annual report, the Board of trustees, although anxious to submit to the General Assembly their proceedings in detail in relation to all matters which have claimed their attention, have been deterred from this measure by the great length to which such a report would necessarily be spun out. They will however be bound to be correctly inscribed on their journal, to the inspection and examination of which they respectfully invite your honorable body. GABRIEL MOORE, *Pres't ex-officio*.

JANUARY 14, 1830.

Ordered, that the report lie on the table, and that one hundred and fifty copies thereof be printed for the use of the Senate.

Mr Jackson, from the special committee to which was referred a bill to be entitled an act more effectually to prevent the circulation of what are termed change bills or tickets, reported the same as amended, which was concurred in. The bill was then read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Hubbard introduced a bill to be entitled an act for the relief of securities in bank, which was read, and the rule requiring bills to be read on three several days being dispensed with by a majority of four fifths, the bill was read the second and third time forthwith and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Vining, from the joint committee on enrolled bills, reported as correctly enrolled an act to amend an act entitled an act to regulate the licensing of physicians to practice, and for other purposes therein named, passed Dec. 22, 1823. An act to establish a board of internal improvement for the state of Alabama, and joint resolution ratifying the proposed amendments to the constitution of the state of Alabama, so as to limit the tenure of the judges' office to six years, all of which were accordingly signed by Mr President.

A message from the House of Representatives by Mr Van Dyke: Mr President—the House of Representatives have read three several times and passed a bill which originated in their House, entitled an act prescribing more fully the manner in which accounts against the state shall be authenticated and certified for keeping state prisoners; in which they desire your concurrence. They have read three several times and passed a bill which originated in the Senate, entitled an act to amend an act entitled an act to incorporate the town of Selma in the county of Dallas, passed Dec. 4, 1820. They have read three several times and passed a bill which originated in their House, entitled an act for the payment of Benjamin M. Bradford and Jack Shackelford for stationary printing and other purposes; in which they desire your concurrence. They have read three several times and passed a bill which originated in the Senate, entitled an act to amend an act to incorporate Valley Creek academy, in the county of Dallas. They concur in the amendments made by the Senate to the bill entitled an act supplementary to act passed the 15th day of January, 1823, entitled an act to authorize the sales of sixteenth sections and for other purposes.

The bill entitled an act prescribing more fully the manner in which accounts against the state shall be authenticated and certified for keeping state prisoners, was read and ordered to a second reading to-morrow.

The bill entitled an act for the payment of Benjamin M. Bradford and

Jack Shackelford for stationary printing and other purposes was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

The Senate resumed the consideration of the bill, entitled an act more effectually to prevent frauds and combinations in the sales of the public lands of the United States. *Ordered*, that the bill be engrossed and made the order of the day for a third reading to-morrow.

A bill from the House of Representatives, entitled an act to attach a part of the counties of Clarke and Wilcox to the county of Monroe and for other purposes, was read the first time. Mr Smith moved that the bill lie on the table till to-morrow, which was lost. Yeas 7—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Conner, Edmondson, Evans, Perry, Pickett, Smith and Vining—those who voted in the negative are Messrs Abercrombie, Crawford, Garth, Irwin, Jackson, Meriwether, Moore, Walhall, Watkins and Wood.

Ordered, that the bill be made the order of the day for a second reading to-morrow.

A message from the House of Representatives by Mr Van Dyke: Mr President—the House of Representatives have read three several times and passed a bill which originated in Senate, entitled an act to establish Lagrange college, and have amended the same in the manner herewith shewn; in which they desire your concurrence.

Ordered, that the Senate concur in the amendments made by the House of Representatives to the bill mentioned in the foregoing message. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Engrossed bills of the following titles, to wit; an act to amend the law on the subject of proving and recording deeds; an act to enable the state of Alabama to sell and dispose of certain reserved lands therein named, and an act to alter the time of holding the county courts of Jefferson and Lauderdale counties, were severally read the third time and passed. *Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to authorize the judge of the county court, and commissioners of Roads and Revenue to contract for the building of a jail in Tuscaloosa county, was read the third time and ordered to lie on the table.

A bill from the House of Representatives entitled an act to regulate the landing of goods by steamboats and barges and for other purposes, was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to increase the capital stock of the bank of the state of Alabama, was read the second time and ordered to lie on the table till 3 o'clock this evening.

A bill to be entitled an act to alter the times of holding the county courts of Marion and Dallas counties, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to regulate sales by auction in the city and county of Mobile and for other purposes, was read the second time and referred to a special committee, consisting of messrs Jackson, Hogan and Pickett. *Ordered*, that the bill entitled an act to change the compensation of jurors in the counties of Henry and Dale, lie on the table.

An engrossed bill to be entitled an act to authorize a road from the northeast corner of capitol square in the town of Tuscaloosa to the Warrior river, where the eastern boundary of said town intersects the same, was read the third time and ordered to lie on the table till three o'clock this evening.

And then the Senate adjourned till three o'clock this evening.

EVENING SESSION.—Mr Vining, from the joint committee on enrolled bills, reported as correctly enrolled an act to alter the time of holding the circuit courts of certain counties therein named; an act to regulate proceedings in certain actions of detinue; an act to authorize the commissioned officers of the 11th regiment of Alabama militia to fix a regimental muster ground; an act to amend an act, passed December 10th, 1823, entitled an act to amend an act to incorporate the Hainsville fire engine company passed December 10th, 1822; an act authorizing a lottery for the benefit of Antaug Lodge No. 31, of Ancient Free Masons; and an act for the relief of Michael Robbins—all of which were accordingly signed by our President.

A message from the House of Representatives by Mr Von Dyke: Mr President—the House of Representatives have adopted the following resolution: *Resolved*, with the concurrence of the Senate, that the resolution heretofore adopted by both houses to adjourn on Saturday next be rescinded. *And be it further resolved*, that with the concurrence of the Senate both houses will adjourn this session on Wednesday the 20th inst. in which they desire the concurrence of your honorable body.

Mr Perry moved that the resolution lie on the table till Wednesday next, which was lost. Yeas 8—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Crawford, Garth, Merriwether, Perry, Pickett, Smith, and Walthall.—Those who voted in the negative are Mr President, Conner, Edmondson, Hogan, Jackson, Moore, Morton, Vining, Watkins and Wood.

A call of the house being demanded, the resolutions were laid on the table for one hour, under a rule of the Senate.

A bill to be entitled an act to increase the capital stock of the Bank of the State of Alabama, was taken up. On motion of Mr Hubbard, ordered, that the bill be committed to a special committee whereupon messrs Hubbard Pickett and Jackson were appointed.

The Senate resumed the consideration of the bill entitled an act to increase the capital stock of the Bank of the State of Alabama, and to provide for the establishment of a branch of said Bank. *Ordered*, that the bill be committed to a special committee consisting of messrs Hubbard, Jackson and Pickett.

The Senate took up for consideration the joint resolution proposing to amend the constitution of the United States in changing the term of service of the President and Vice President of the United States. Mr Jackson moved that the resolutions lie on the table till the first day of February next, which was carried. Yeas 12—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Conner, Crawford, Edmondson, Garth, Hubbard, Jackson, Merriwether, Moore, Morton and Watkins.—Those who voted in the negative are Messrs Evans, Hogan, Perry, Pickett, Smith, Vining, Walthall and Wood.

An engrossed bill to be entitled an act to authorize a road from the northeast corner of capitol square in the town of Tuscaloosa to the Warrior river where the western boundary of said town intersects the same, was taken up. Mr Morton presented the memorial of William M. Marc, praying the passage of the bill, which was read and laid on the table. Mr Moore offered

the following amendment to the bill: Sec. 4. *And be it further enacted*, that all rights, privileges, responsibilities and liabilities, growing out of the establishment of a ferry across the Black Warrior river at the place at which said road shall pass, shall enure and appertain one half to the use and benefit of the mayor and aldermen of the town of Tuscaloosa for the citizens thereof, and the other half to the owner or owners of the land on the opposite bank of the river, to be regulated and determined in such manner as the court of commissioners of revenue and roads, of Tuscaloosa county may direct. Sec. 5. *And be it further enacted*, that on the return of the jury of examination as is provided for in the first section of this act the mayor and aldermen of said town shall have the same discretion and power in disposing of, and finally acting on said report as now appertains to the court of revenue and roads in like cases. Mr Jackson moved to amend the proposed amendment by striking therefrom the 5th section, which was carried. The question was then put on the amendment offered by Mr Moore, as amended and decided in the negative. The question was then put, Shall the bill pass? and decided in the negative. Yeas 10—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are messrs Conner, Crawford, Edmondson, Garth, Hogan, Jackson, Morton, Pickett, Smith, and Walthall — Those who voted in the negative are Mr President, Abercrombie, Evans, Hubbard, Irwin, Merriwether, Moore, Perry, Vining, Watkins and Wood.

Mr Vining, from the joint committee on enrolled bills, reported as correctly enrolled an act to extend the power of the county and orphans courts in certain cases and for other purposes; an act to authorize David Fields and his associates to turnpike a road in the county of Bloant; an act for the relief of Sally Turner, executrix of Charles H. Turner, deceased; an act to incorporate the Tuscumbia railway company; an act supplementary to an act passed the 15th day of January, 1828, entitled an act to authorize the sales of sixteenth sections, and for other proposes; an act to change the times of holding the county courts of certain counties therein mentioned; and an act to amend an act entitled an act to incorporate Valley Creek Academy, in the county of Dallas.—all of which were accordingly signed by Mr President.

The Senate resumed the consideration of the resolutions from the House of Representatives proposing a rescision of the one heretofore adopted by the two houses fixing Saturday the 16th instant, as the day of the adjournment of the present session and proposing with the concurrence of the Senate, that the two houses will adjourn the present session on Wednesday the 20th inst. Mr Vining moved to strike out Wednesday with a view of inserting Tuesday next, which was lost. Mr Jackson moved that the Senate concur in the resolution from the House of Representatives. Mr Pickett moved that the resolution lie on the table till to-morrow, which was lost. Yeas 8—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abercrombie, Crawford, Evans, Merriwether, Perry, Pickett, Smith and Wood.

Those who voted in the negative are, Mr President, Conner, Edmondson, Garth, Hogan, Hubbard, Irwin, Jackson, Moore, Morton, Vining and Watkins.

A division of the question being called for, on Mr Jackson's motion, the vote was taken on concurring in the resolution, proposing to rescind the one fixing the sixteenth instant, as the day for the adjournment of the two houses and carried. Yeas 13—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Conner, Edmondson, Hogan, Hubbard, Irwin, Jackson, Moore, Morton, Pickett, Watkins and Wood.—Those who voted in the negative are Messrs Crawford, Evans, Garth, Merriwether, Perry, Smith, Vining and Walthall.

Mr Evans moved that the resolution from the house, proposing to adjourn sine die, on Wednesday next, lie on the table, which was carried. Yeas 11—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Evans, Hogan, Merriwether, Moore, Morton, Perry, Smith, Vining, Walthall, and Wood.—Those who voted in the negative are Messrs Abercrombie, Conner, Crawford, Edmondson, Garth, Hubbard, Irwin, Jackson, Pickett and Watkins.

Mr Morton called up the bill to be entitled an act to authorize James Davis and his associates to turnpike a certain road therein named. On motion of Mr Morton, ordered, that the Senate disagree to the amendment made by the House of Representatives, to the bill by adding thereto the 9th section. *Ordered*, that they concur in the remainder of the amendments made by the House of Representatives to the bill. *Ordered*, that the Secretary acquaint the House of Representatives therewith.

A message from the Governor by Mr Thornton.

January 15, 1830.

Mr President—The Governor did on the 14th inst. approve and sign the following bills: an act making an appropriation for the increase of the supreme court library; an act for the relief of Benjamin Hudson and William Alsobrooks; an act to regulate certain proceedings of county courts; joint resolutions proposing amendments to the constitution of the state of Alabama so as to have biennial sessions of the General Assembly thereof; and on this day, an act to authorize Haynes Crabtree to emancipate certain slaves therein named; an act to amend an act approved 15th Jan. 1828, authorizing a lottery for the purpose of building an academy and court house in the county of Henry; an act to establish the permanent seat of justice of Dale county; an act to regulate the county tax of Franklin county; an act supplemental to an act passed the 14th December, 1827 prescribing the mode of contesting elections; an act to re-examine and re-value so much of the lands granted to this state by Congress for the improvement of the Tennessee and other rivers, as lies in the counties of Madison and Morgan; an act to incorporate the trustees of the Sims' female academy in the town of Tuscaloosa; an act to authorize certain persons to practice law in this state; an act to regulate the interchange of the circuit judges; an act to authorize the inhabitants of township two, range one east in Madison county to hold an election for the purpose of ascertaining the wishes of said inhabitants in regard to selling the sixteenth sections therein and for other purposes; an act to incorporate the stockholders and subscribers to the newly invented marine rail way in the city of Mobile, under the Rogers' patent,—all of which originated in the Senate.

The Senate resumed the consideration of the bill entitled an act to establish the county of Lowndes. Mr Abercrombie offered the following amendment in lieu of the words stricken out on Mr Evans' motion, "fourteen and fifteen," thence west along said line till it strike the range line, between township eleven and twelve, thence south till it strikes the township line between twelve and thirteen, thence east along said township line to the centre of the twelfth township and twelfth range, thence south to the centre of the township line between eleven and twelve, which was carried. Yeas 11—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Conner, Crawford, Edmondson, Garth, Hubbard, Irwin, Jackson, Morton, Pickett, and Walthall.—Those who voted in the negative are Mr President, Evans, Hogan, Merriwether, Perry, Smith, Vining, Watkins and Wood.

Mr Smith moved to strike out the seventh section of the bill, which was carried. Mr Garth moved to insert in lieu thereof the following: *And be it further enacted*, that all that part of Wilcox that was added to Clarke at the last session of the legislature, be, and the same is hereby added, and shall form a part of Wilcox county, which was carried. The bill was then read the third time, and the question being put, Shall the bill pass? it was decided in the affirmative. Yeas 11—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Comer, Crawford, Edmondson, Garth, Hubbard, Irwin, Jackson, Morton, Pickett, and Walthall — Those who voted in the negative are Mr President, Evans, Hogan, Merriwether, Moore, Perry, Smith, Vining, Watkins, Wood.

On motion of Mr Hubbard, ordered, that Mr Watkins have leave of absence after to morrow for the remainder of the present session.

And then the Senate adjourned till to morrow morning ten o'clock.

Saturday, January 16th, 1830.

The Senate met pursuant to adjournment.

Mr Moore, from the joint committee on enrolled bills, reported as correctly enrolled an act to incorporate the library society of the bench and bar of the supreme court of Alabama; and an act to revive and continue in force an act to incorporate the town of Selma, in the county of Dallas, passed December 14th, 1820,—both of which were accordingly signed by Mr President.

Mr Abercrombie, from the committee on county boundaries to which was referred a bill to be entitled an act to designate a part of the line between the counties of Tuscaloosa and Bibb, reported the same without amendment. The committee also reported that Bibb county has not its constitutional territory, and that Tuscaloosa has more than is required by the constitution. A call of the house being demanded, the bill and report was laid on the table for one hour.

Mr Hogan, from the special committee to which was referred a bill to be entitled an act to appoint commissioners to lay out a certain road therein specified, reported the same as amended, which was concurred in. Mr Crawford offered the following amendment to the bill: *And be it further enacted*, that the commissioners who laid out and marked the state road from Montevalle to Greensborough, be, and they are hereby allowed the sum of two dollars per day for each day they may have been engaged therein, to be ascertained by the affidavit of the said commissioners, and filed with the comptroller of public accounts, to be paid out of the three percent fund, which was adopted. Mr Pickett moved that the further consideration of the bill be indefinitely postponed, which was lost. Yeas 4, Nays 15.

The yeas and nays being desired, those who voted in the affirmative are Messrs Moore, Pickett, Walthall and Watkins — Those who voted in the negative are Mr President, Abercrombie, Crawford, Edmondson, Evans, Garth, Hogan, Irwin, Jackson, Merriwether, Morton, Perry Smith, Vining and Wood.

The bill was further amended on Mr Jackson's motion, and read the third time and passed.

Mr Vining, from the joint committee on enrolled bills, reported as correctly enrolled an act to regulate the landing of goods by steam boats and barges and for other purposes; an act for the payment of Benjamin M. Bradford and Jack Shackelford for stationary, printing, and for other purposes; and an act to alter the times of holding the county courts in the counties of Marion and Dallas,—all of which were accordingly signed by Mr President.

Mr Hubbard, from the special committee to which was referred a bill to

be entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes, asked to be discharged from the further consideration of the subject, a bill having already passed upon the same subject which originated in the House of Representatives, which was agreed to.

Mr Hubbard, from the committee on the state capitol, reported a bill to be entitled an act making an appropriation for the completion of the state capitol, which was read the first time. Mr Hubbard moved that the rule requiring bills to be read on three several days be dispensed with, and that the bill be read the second time forthwith, which was lost.

Mr Hubbard then moved that the bill be made the order of the day for a second reading on Monday next, which was carried. Yeas 12—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are Mr President Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Moore, Smith, Vinng, Watkins and Wood.—Those who voted in the negative are messrs Abercrombie, Crawford, Evans, Perry, Pickett, and Walthall.

Mr Hubbard introduced a bill to be entitled an act repealing in part an act passed at the annual session of the General Assembly for 1829, changing and designating the time of holding courts in the 7th and 3d judicial circuits for the State of Alabama, which was read, and the rule requiring bills to be read on three several days being dispensed with, by a majority of four fifths, the bill was read the second and third time forthwith and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A message from the House of Representatives by Mr Van Dyke: Mr President—the House of Representatives concur in the first amendment made by the Senate to the bill entitled an act more effectually to prevent the circulation of what are termed change bills or tickets. They disagree to the second amendment made by the Senate to the bill.

On motion of Mr Jackson, ordered, that the Senate insist on their amendment to the bill by striking out the second section. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Van Dyke: Mr President—the House of Representatives have read three several times and passed bills which originated in their House entitled an act to repeal in part an act passed the 13th day of January 1827, entitled an act to raise a revenue for the support of government until otherwise altered by law, and for other purposes; and an act to emancipate a female slave named Maria, a part of the estate of the late Christopher McConico of the county of Monroe, in which they desire your concurrence. They have also concurred in the resolution of your honorable body proposing to go into the election of a president and twelve directors of the Bank of the State of Alabama for the present year at seven o'clock P.M. upon Friday next, and have amended the same by striking out the word 'Friday' and inserting 'Saturday' so as to go into said elections this evening at 7 o'clock. They have also amended the resolution by adding thereto the words "canal commissioners, members of the board of internal improvement, and members of the medical board;" in which amendments they ask the concurrence of the Senate.

A bill to be entitled an act to repeal in part an act passed the 13th day of January 1827, entitled an act to raise a revenue for the support of government until otherwise altered by law, and for other purposes, was read the first time, and the rule requiring bills to be read on three several nays being dispensed with, the bill was read the second time and referred to a special committee consisting of messrs Hogan, Watkins and Irwin.

A bill to be entitled an act to emancipate a female slave named Maria, a part of the estate of the late Christopher McConnico of the county of Monroe, was read the first time and ordered to a second reading on Monday next.

Mr Moore moved to amend the amendment made by the House of Representatives to the resolution relating to the election of a president and twelve directors of the Bank of the State of Alabama, by striking out "this evening" and inserting "Monday next," so as to go into the elections at that time, which was carried. The amendment made by the House was then agreed to. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act prescribing more fully the manner in which accounts against the State shall be authenticated and certified for keeping state prisoners, was read the second time and referred to the committee on the judiciary.

An engrossed bill to be entitled an act more effectually to prevent frauds and combinations in the sale of public lands of the United States, was read the third time, and the question being put, shall the bill pass? it was carried. Yeas 10—Nays, 4.

The yeas and nays being desired, those who voted in the affirmative are messrs Crawford Edmondson Garth Hubbard Jackson Merriwether Morton Pickett Smith and Walthall.—Those who voted in the negative are mr President Perry Vining and Watkins

Mr Jackson moved to strike out the caption of the bill and to insert in lieu thereof following as the title: "an act to require the purchasers of the land of the United States to pay the occupants for the improvements thereon," which was carried. Yeas 12—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Edmondson, Irwin, Jackson, Merriwether, Moore, Morton, Perry, Smith, Vining, Walthall and Watkins.—Those who voted in the negative are Messrs Crawford, Evans, Garth, Pickett, and Wood.

Mr Jackson then moved to reconsider the vote of the Senate on the passage of the bill, which was lost. Yeas 8—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are Mr President Edmondson Hogan Irwin Jackson Moore Vining and Watkins.—Those who voted in the negative are Messrs Crawford Evans Garth Hubbard Merriwether Morton Perry Pickett Smith Walthall and Wood.

The Senate resumed the consideration of the bill entitled an act to designate a part of the line between the counties of Tuscaloosa and Bibb. Mr Perry moved that the bill lie on the table till the first day of June next, which was carried. Yeas 12—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Conner, Edmondson, Evans, Jackson, Merriwether, Moore, Perry, Smith Vining, Watkins, and Wood.—Those who voted in the negative are, Messrs Abercrombie, Crawford, Garth, Hubbard, Irwin, Pickett, and Walthall.

And then the Senate adjourned till 3 o'clock this evening

EVENING SESSION.—A message from the House of Representative by Mr Van Dyke: Mr President—the House of Representatives have read three several times and passed a bill which originated in the Senate, entitled an act for the relief of securities in Bank.

Mr Abercrombie moved that the resolution from the House of Representatives, proposing that the two Houses will adjourn their present session on Wednesday the 20th inst. be now taken up which was carried. Mr Abercrombie then moved that the Senate concur in the resolution, which was carried. Yeas 16—Nays 5.

The yeas and nays being desired those who voted in the affirmative are Messrs

Abercrombie Conner Crawford Edmondson Evans Garth Hubbard Irwin Jackson Merriwether Perry Pickett Vining Walthall Watkins and Wood—Those who voted in the negative are Mr President Hogan Moore Morton and Smith.

A message from the House of Representatives by Mr Van Dyke: Mr President—the House of Representatives have read three several times and passed a bill which originated the Senate entitled an act regulating the duties of county treasurers, and have amended the same in the manner herewith shewn; in which amendment they desire your concurrence.

Ordered, that the Senate concur in the amendments made by the House of Representatives to the bill mentioned in the foregoing message. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Van Dyke: Mr President—the House of Representatives have read three several times and passed a bill which originated in their House, entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa and Pickens; in which they desire the concurrence of the Senate.

The bill mentioned in the foregoing message was read the first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Crawford, from the special committee to which was referred a bill to be entitled an act the better to provide for the examination of the offices of the clerks of the circuit and county courts of this state, reported the same as amended, which was concurred in. The bill was then read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Hubbard, from the special committee to which was referred a bill to be entitled an act to increase the capital stock of the Bank of the state of Alabama reported the same without amendment. Mr Abercrombie moved that the bill lie on the table till the first Monday in August next, which was lost. Yeas 6—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, Mr President, Abercrombie, Garth, Jackson, Walthall and Watkins.—Those who voted in the negative are Messrs Conner, Crawford, Edmondson, Evans, Hogan, Hubbard, Irwin, Merriwether, Moore, Morton, Perry, Pickett, Smith, Vining and Wood.

Mr Vining moved to strike out "four hundred thousand dollars," the amount authorized to be raised by the issuance of state stock, with a view of inserting a less amount, which was lost. Mr Hubbard moved that the bill be read the third time forthwith, which was carried. Yeas 14—Nays 7.

The yeas and nays being desired those who voted in the affirmative are messrs Conner, Crawford, Evans, Hogan, Hubbard, Irwin, Merriwether, Moore, Perry, Pickett, Smith, Vining, and Wood.—Those who voted in the negative are Mr President, Abercrombie, Edmondson, Garth, Jackson, Walthall and Watkins.

The bill was then read the third time and the question being put, Shall the bill pass? it was decided in the affirmative. Yeas 13—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are messrs Conner, Crawford, Evans, Hogan, Hubbard, Irwin, Merriwether, Moore, Perry, Pickett, Smith, Vining, and Wood.—Those who voted in the negative are Mr President, Abercrombie, Edmondson, Garth, Jackson, Morton, Walthall and Watkins.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Hubbard, from the special committee to which was referred a bill to be entitled an act to increase the capital of the Bank of the state of Ala-

bama, and to provide for the establishment of a branch of said Bank, reported the same without amendment. Mr Jackson moved that the bill be engrossed and made the order of the day for a third reading on Monday next, which was lost. Yeas 8—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Conner, Hogan, Hubbard, Jackson, Morton, Watkins and Wood — Those who voted in the negative are messrs Abercrombie, Crawford, Edmondson, Evans, Garth, Irwin, Merriwether, Moore, Perry, Pickett Smith, Vining, and Walthall. So the bill was lost.

And then the Senate adjourned till Monday morning at 10 o'clock.

Monday, January 18, 1830.

The Senate met pursuant to adjournment.

Mr Garth, from the committee on the judiciary submitted the following report: Report of the judiciary committee to whom was referred the resolutions of the state of South Carolina, Virginia and Mississippi, protesting against the several acts of Congress, imposing duties for the encouragement of domestic manufactures. Your committee have bestowed upon the subject that attention, that its importance deserves, and have directed the following report: That they deprecate the injurious consequences that have resulted to the prosperity of this state, from the act of Congress passed in 1828, imposing additional duties for the encouragement of manufactures, that the said act in the opinion of the General Assembly is a violation of the spirit of the constitution of the United States, is very partial in its operation, and particularly injurious to the cotton growing states, and should be repealed. Be it therefore resolved, that the Governor of this state be requested to transmit copies of the foregoing report, to the executives of the several states of the Union, and request that it be laid before the Legislatures of the states respectively; which report and resolution was adopted.

Mr Hogan, from the special committee to which was referred a bill to be entitled an act to repeal in part an act passed 13th January, 1827, entitled an act to raise a revenue for the support of Government, until otherwise altered by law, and for other purposes, reported the same as amended. Mr Garth moved that the bill and proposed amendments lie on the table till the first day of August next, which was carried. Yeas 14—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Conner, Crawford, Edmondson, Garth, Hubbard, Jackson, Merriwether, Moore, Morton, Perry, Vining and Walthall — Those who voted in the negative are Messrs Evans, Hogan, Irwin, Pickett, Smith, Watkins and Wood.

A message from the House of Representatives by Mr Tunstall: Mr President—the House of Representatives have rejected a bill which originated in the Senate, entitled an act to amend an act therein named. They have also indefinitely postponed a bill which originated in the Senate, entitled an act to enable the state of Alabama to sell and dispose of certain reserved lands therein named. They have passed a bill which originated in the Senate, entitled an act to alter the time of holding the county courts of Jackson and Lauderdale counties, and have amended the same as herewith shown; in which they desire your concurrence. They recede from their amendment to the bill entitled an act to authorize James Davis and associates, to turnpike a certain road therein named, by adding thereto section No 9. They disagree to the amendment made by the Senate to the bill entitled an act to appoint commissioners to mark and lay out a certain road therein specified, by adding thereto two additional sections. They insist on their disagreement to the amendment made by the Senate to

the bill entitled an act more effectually to prevent the circulation of what are termed change bills or tickets, by striking out the 2nd section thereof.

Ordered, that the bill entitled an act to alter the time of holding the county courts of Jackson and Lauderdale counties, together with the amendments made thereto by the House of Representatives, lie on the table till to morrow.

Ordered, that the bill entitled an act to appoint commissioners to mark and lay out a certain road therein specified, lie on the table.

On motion of Mr Jackson, ordered that the Senate adhere to their amendment to the bill entitled an act more effectually to prevent the circulation of what are termed change bills, or tickets, by striking therefrom the second section, and that a committee of conference be appointed by the Senate to act with such committee as may be appointed by the House on said disagreement; whereupon Messrs Jackson, Garth and Vining were appointed on the part of the Senate. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to attach a part of the counties of Clarke and Wilcox to the county of Monroe, and for other purposes, was read the second time.

Mr Smith presented the petitions of sundry citizens of Monroe and others praying that that part of Monroe county which was attached to Clarke at the last session, may be reannexed to Monroe, which were read. Mr Smith then moved that the further consideration of the bill be indefinitely postponed, which was carried. Yeas 13—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Conner, Crawford, Edmondson, Evans, Garth, Hubbard, Moore, Perry, Pickett, Smith, Vining and Wood.—Those who voted in the negative are messrs Abercrombie, Hogan, Irwin, Jackson Merriwether, Walthall and Watkins.

A bill to be entitled an act to emancipate a female slave named Maria, a part of the estate of the late Christopher McConnico, was read the second time and ordered to a third reading to-morrow.

A bill to be entitled act making an appropriation for the completion of the state capitol, was read the second time. Mr Hubbard moved that the bill be engrossed and made the order of the day for a third reading to-morrow, which was carried. Yeas 12—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Conner, Edmondson, Garth, Hogan, Hubbard, Jackson, Merriwether, Smith, Vining, Watkins and Wood.—Those who voted in the negative are messrs Abercrombie, Crawford, Evans, Irwin, Perry, Pickett and Walthall.

Mr Jackson presented the account of Hampton and Mitchell against the state, which referred to the committee on accounts and claims.

And then the Senate adjourned till 3 o'clock this evening.

EVENING SESSION.—Mr Hogan, from the special committee to which was referred a bill to be entitled an act to regulate sales by auction in the city and county of Mobile, and for other purposes, reported the same with sundry amendments, which were concurred in. The bill was further amended on Mr Jackson's motion, and ordered to be engrossed for a third reading on to-morrow.

Mr Perry, from the committee on the judiciary to which was referred a bill to be entitled an act prescribing more fully the manner in which accounts against the state shall be authenticated and certified for keeping state prisoners, reported that it is inexpedient to pass the bill. On motion of Mr Perry, ordered that the bill and report lie on the table till the first day of the next session of the General Assembly.

Mr Hogan, from the special committee to which was referred a memorial

concerning fortifications on Dauphin Island, reported the same without amendment. On motion of Mr Hogan, ordered that the memorial lie on the table.

Mr Pickett offered the following resolution: *Resolved*, that the secretary of the Senate be instructed to take charge of all the bills and joint resolutions that have passed in Senate, and may not be acted on by the House of Representatives and return the same to the house in which they originated, at the meeting of the next Legislature, as unfinished business to the end, that the same may be acted on if deemed expedient; which was adopted.

A message from the Governor by Mr Thornton, January 13, 1830: Mr President—The Governor did on the 16th inst. approve and sign the following bills: an act to revive and continue in force an act to incorporate the town of Selma, in the county of Dallas, passed Dec. 4, 1820; an act to incorporate the Tusculum railway company; an act to authorize Daniel Fields and his associates to turnpike a road in the county of Blount; an act to amend an act entitled an act to incorporate Valley Creek academy, in the county of Dallas; an act for the relief of Sally Turner, executrix of Charles H. Turner, dec. an act to extend the powers of the county and orphans courts in certain cases, and for other purposes, and joint resolutions ratifying the proposed amendments to the constitution of the state of Alabama, so as to limit the tenure of the judges offices to six years; all of which originated in the Senate.

Mr Vining, from the joint committee on enrolled bills, reported as correctly enrolled, an act for the relief of securities in Bank; and an act to establish Lagrange college, all of which were accordingly signed by Mr President.

Mr Evans introduced a bill to be entitled an act to designate the boundaries of certain counties therein named, which was read, and a call of the House being demanded the bill was laid on the table for one hour.

A message from the House of Representatives by Mr Abbott: Mr President—the House of Representatives concur in the amendment made by your hon. body, to the resolution proposing to go into the election of Banking Directors.

Mr Howard introduced a bill to be entitled an act better to enforce the rules of judges of the orphans courts which was read a first and second time and ordered to be engrossed for a third reading to-morrow.

Mr Hogan introduced a bill to be entitled an act supplementary to an act entitled an act to change the time of holding the circuit courts in the counties of Henry, Dale, Covington, Baldwin and Mobile, passed 13th January, 1830, which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third times forthwith and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

And then the Senate adjourned till half past 6 o'clock this evening.

Half past 6 o'clock.—The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Tunstall: Mr President—The House of Representatives have adopted the following resolution in which they desire your concurrence: *Resolved*, that the Senate be informed that the House of Representatives is now ready to receive them for the purpose of going into the election of President and Directors of the Bank of the State of Alabama, five canal commissioners, and commissioners of the board of internal improvement and members of the medical boards; whereupon the members of the Senate repaired to the Hall of the House of

Representatives and having taken the seats assigned them— Mr President arose and announced the object of the meeting when the two Houses proceeded to the election of a President of the Bank of the state of Alabama for the present year, Dr. John L. Tindall alone being in nomination. For Dr. Tindall 35 votes.

Those who voted for Dr. Tindall are messrs Abercrombie, Conner, Crawford Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, Merriwether, Moore, Morton, Perry, Pickett, Smith, Vining, Walthall, Watkins, Wood. Reps. mr Speaker, Acklen, Banks, Barclay, Bates, Bibb, Bradford, Brodnax Brown, Byrnes, Clark, Cole, Coleman, Conner, Cook, Coopwood, Craig, Curtis, Dale, Durrett, Ellis, Fearn, Fitts, Flournoy, Forrest, Goldthwaite, Green, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jack, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Metcalfe, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Russell, Ship, Taylor, Van Dyke, Ward, Weissinger, Williams and Young.

John L. Tindall having received all the votes present, was declared by Mr Speaker to be duly elected President of the Bank of the state of Alabama for the present year.

The two Houses then proceeded to the election of twelve Directors of the Bank of the State of Alabama for the present year; Benjamin B. Fontaine, William G. Parish, Constantine Perkins, Thomas Owen, Henry A. Snow, John H. Sommerville, James Guild, William R. Colgin, A. P. Baldwin, John O. Cummins, James H. Dearing, James M. Davenport, Samuel B. Ewing, Thomas R. Bolling, Charles Lewin, Charles S. Pattison, Nathan Hughes, Gilbert Saltonstall, Benjamin G. Sims, Frederick C. Ellis, Ira Griffin and John H. Vincent being in nomination. The votes stood thus; for mr Perkins 79— mr Parish 74— mr Ewing 70— mr Fontaine 65— mr Sommerville 61— mr Bolling 60— mr Saltonstall 58— mr Colgin 57— mr Lewin 57— mr Owen 56— mr Dearing 53— mr Ellis 52— mr Snow 51— mr Pattison 42— mr Guild 41— mr Cummins 34— mr Hughes 33— mr Vincent 36— mr Davenport 34— mr Sims 29— mr Griffin 27— mr Baldwin 26.

Those who voted for our Fontaine are messrs Abercrombie, Conner, Edmondson Garth Hogan Irwin Jackson Merriwether Morton Pickett Vining Walthall Watkins. Reps. Banks Bibb Bradford Brodnax Brown Byrnes Clark Cole Coleman Conner Cook Craig Curtis Dale Dennis Durrett Fearn Fitts Flournoy Forrest Green Hester Hodges Horton Jack Jackson Jones Lane Lawler Ligon Mardis Massey McElderry Metcalfe Mims Moore Morrisett Murphree Parsons Penn Philpott Pope Rather Richardson Robinson Ross Russell Ship Smith Ward Weissinger and Young.

Those who voted for Mr Parish are messrs Abercrombie Conner Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, Merriwether, Moore, Perry, Pickett, Smith, Vining, Walthall, Watkins. Reps mr Speaker, Acklen, Banks, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Cook, Coopwood, Curtis, Dale, Dennis, Durrett, Ellis, Fearn, Flournoy, Forrest, Goldthwaite Green, Grigsby, Hays, Hester, Hodges, Hudson, Jack, Jackson, Jones, King, Lane Lawler, Ligon, Mardis, McElderry, Metcalfe, Mims, Moore, Murphree, Oliver Parsons, Penn, Philpott, Rather, Richardson, Robinson, Roulston, Roysdon, Russell, Ship, Smith, Van Dyke, Ward, Weissinger, Williams and Young.

Those who voted for Mr Perkins are messrs Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Irwin, Jackson, Merriwether, Moore, Perry, Pickett Smith, Vining, Walthall, Wood, Reps. mr Speaker, Acklen, Baker, Banks Barclay Bates, Bibb, Bradford, Brodnax, Brown, Clark Cole Coleman Conner Cook Coopwood, Craig, Curtis Dale Dennis Durrett, Fearn Fitts Forrest Goldthwaite Green Grigsby, Hays Hester Hodges Horton Hudson, Jack Jackson Jones King Lane Lawler Mardis, Massey, McElderry Metcalfe Mims Moore Morrisett Murphree Parsons Penn Philpott Pope Rather Richardson Robinson Ross Roysdon Ship Smith Taylor Van Dyke Ward Weissinger Williams and Young.

Those who voted for mr Owen are messrs Abercrombie Conner Crawford Ed-

monson, Evans Garth Irwin Jackson Merriwether Moore Morton Pickett Smith Vining Walthall Watkins. Reps. mr Speaker Bates Banks Bibb Bradford Clark Cole Coleman Conner Coopwood Craig Dale Dennis Ellis Forrest Green Hays Hester Hodges Jack Jackson Jones King Lane Lawler Mardis Massey McElderry Metcalfe Moore Oliver Philpott Pope Rather Richardson Ship Ward Weissinger Williams and Young.

Those who voted for mr Snow are messrs Conner Crawford Evans Garth Hogan Hubbard Merriwether Moore Pickett Vining Walthall Watkins Wood Reps. mr Speaker, Banks Barclay Bradford Brodnax Brown Byrnes Clark Cole Conner Curtis Dale Dennis Fitts Flournoy Goldthwaite Green Hays Jack Ligon Mardis Massey McElderry Metcalfe Mims Mobley Morrisett Murphree Parsons Penn Philpott Pope Robinson Ross Roysdon Ship Weissinger Williams and Young

Those who voted for mr Sommerville are messrs Abercrombie, Conner Edmondson Evans Hogan Hubbard Jackson Merriwether Moore Morton Perry Pickett Vining Walthall Wood. Reps. mr Speaker Acklen Baker Barclay Bates Bibb Brodnax Coleman Cook Coopwood Craig Dale Durrett Fearn Fitts Flournoy Forrest Goldthwaite Grigsby Hester Hodges Horton Hudson Jack King Lane Ligon Mardis McElderry Mims Mobley Moore Murphree Oliver Parsons Penn Philpott Pope Richardson Robinson Ross Roysdon Russell Smith Taylor and Van Dyke.

Those who voted for mr Guild are messrs Crawford Edmondson Evans Hogan Merriwether Morton Pickett Smith Vining Walthall Watkins. Reps. Banks Barclay Clark Cole Craig Curtis Dale Dennis Durrett Ellis Fearn Green Hudson Jack Jackson Mardis Metcalfe Morrisett Oliver Parsons Richardson Ross Roulston Roysdon Russell Ship Ward Weissinger Williams and Young.

Those who voted for mr Colgin are messrs Abercrombie Crawford Garth Hogan Jackson Merriwether Moore Morton Vining Walthall Watkins. Reps. mr Speaker Acklen Baker Banks Bates Bibb Bradford Brodnax Brown Cole Conner Coopwood Curtis Dale Durrett Ellis Fearn Fitts Green Hays Jack Jackson Jones Lawler Ligon Mardis Massey Mims Mobley Moore Morrisett Murphree Oliver Parsons Penn Philpott Pope Richardson Robinson Ross Ship Smith Van Dyke Weissinger Williams and Young.

Those who voted for mr Baldwin are messrs Hubbard Jackson Moore Watkins Reps. Acklen Baker Brodnax Byrnes Cole Dennis Ellis Fitts Flournoy Goldthwaite Jack Lawler Mardis McElderry Metcalfe Mims Mobley Oliver Roysdon Ward Weissinger and Young.

Those who voted for mr Cummins are messrs Edmondson Evans Jackson Morton Perry Walthall Reps. Baker Barclay Bates Bibb Byrnes Cole Coleman Craig Ellis Fitts Grigsby Hudson Jack Jones Lane Mims Oliver Penn Rather Ross Roysdon Smith Taylor Van Dyke Williams and Young.

Those who voted for mr Dearing are messrs Conner Crawford Garth Hogan Irwin Merriwether Moore Pickett Smith Vining Walthall Watkins. Reps. Acklen Banks Barclay Bates Brown Byrnes Clark Cole Coopwood Curtis Dale Denis Durrett Flournoy Green Hays Hodges Hudson Jack Jackson Jones King Lawler Mardis Massey Metcalfe Mims Mobley Moore Morrisette Pope Rather Richardson Roulston Roysdon Russell Ship Smith Ward Weissinger Williams and Young.

Those who voted for mr Davenport are messrs Abercrombie Jackson Morton Vining Walthall. Reps. Baker Bates Bibb Cole Coleman Conner Curtis Ellis Fearn Fitts Flournoy Green Hays Hester Jack Lawler Mardis Metcalfe Mobley Moore Morrisett Parsons Penn Robinson Weissinger and Young.

Those who voted for mr Ewing are messrs Abercrombie Conner Crawford Edmondson Evans Hogan Hubbard Irwin Jackson Merriwether Morton Perry Pickett Smith Vining Watkins Wood. Reps. mr Speaker Acklen Baker Banks Barclay Bibb Brodnax Byrnes Coleman Conner Cook Coopwood Craig Curtis Dale Dennis Durrett Fearn Fitts Forrest Goldthwaite Green Grigsby Hays Hester Hodges Horton Hudson Jackson Jones King Lane Lawler Ligon Massey McElderry Metcalfe Mims Moore Murphree Parsons Penn Philpott Pope Rather Rickardson, Robinson Roulston Russell Van Dyke and Ward.

Those who voted for mr Bowling are messrs Abercrombie Conner Edmondson Evans Hogan Hubbard Jackson Merriwether Morton Perry Vining Watkins Wood

Reps. mr Speaker Acklen Baker Banks Barclay Bates Bibb Bradford Brodnax Byrnes Coleman Conner Cook Coopwood Curtis Dale Dennis Fearn Fitts Forrest Goldthwaite Green Grigsby Hodges Horton King Lane Ligon Massey Mims Mobley Moore Morrisett , Murphree Oliver Parsons Penn Philpot Pope Rather Richardson Robinson Ross Roulston Taylor and Van Dyke.

Those who voted for mr Lewin are messrs Abercrombie Conner Edmondson Garth Hubbard Irwin Morton Perry Smith Wood. Reps. Baker Banks Barclay Bradford Brodnax Byrnes Coleman Cook Coopwood Craig Dennis Durrett Fearn Forrest Hester Hodges Horton Hudson Jackson Jones King Lane Lawler Ligon Massey McElderry Mims Mobley Moore Morrisett Murphree Oliver Parsons Penn Philpot Pope Rather Robinson Ross Roulston Russell Smith Taylor Van Dyke Ward and Weissinger.

Those who voted for mr Pattison are messrs. Abercrombie Conner Hubbard Irwin Merriwether Morton Perry . Reps. Acklen Baker Banks Bradford Brodnax Coleman Cook Coopwood Craig Dennis Forrest Grigsby Hays Hester Hodges Horton Hudson Jackson Jones King Lane Lawler Ligon McElderry Murphree Oliver Parsons Rather Richardson, Robinson Roulston Russell Taylor Ward and Williams.

Those who voted for mr Hughes are messrs Conner Crawford Edmondson Evans Hogan, Hubbard Moore Perry Pickett Smith Wood Reps mr Speaker Barclay Bates Bradford Brown Cook Ellis Goldthwaite Grigsby Horton King Massey Metcalfe Ross Roulston Roysdon Russell Ship Taylor Van Dyke Ward and Williams.

Those who voted for me Saltonstall are messrs Abercrombie Garth Hubbard Irwin Jackson Morton Smith Walthall Watkins Reps. Acklen Baker Bates Bibb Brodnax Brown Cole Coleman Conner Cook Coopwood Craig Curtis Dale Dennis Durrett Fearn Fitts Flournoy Forrest Goldthwaite Green Hays Hester Hodges Hudson Jackson Jones Lane Lawler Ligon McElderry Mobley Moore Morrisett Murphree Oliver Parsons Penn Pope Robinson Ross Roulston Russell Smith Taylor Weissinger and Young

Those who voted for Mr Sims are Messrs Conner Garth Jackson Moore Perry Smith Wood Reps Acklen Barclay Bates Bibb Brodnax Brown Clarke Ellis Flornoy Goldthwaite Grigsby Hester Horton Metcalfe Murphree Roulston Roysdon Russell Ship Smith Taylor.

Those who voted for Mr Ellis and Messrs Crawford Edmondson Evans, Hubbard, Irwin, Moore, Perry, Pickett , Smith, Wood. Reps. Mr Speaker, Acklen, Barclay, Bradford , Brown, Byrnes, Clarke , Conner Cook, Coopwood, Craig, Curtis, Dennis, Durrett, Ellis , Flornoy, Forrest, Goldthwaite, Grigsby, Hays Hester, Hodges, Horton, Hudson, Jones, King, Lawler, Massey, Mims , Mobley, Morrisett, Rather, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Williams.

Those who voted for Mr Griffin are Messrs Garth, Irwin, Moore , Wood. Reps. Mr Speaker, Bates, Bibb, Brown, Byrnes, Clarke, Cook, Craig, Ellis, Flournoy Forrest, Grigsby Jackson, Mardis, Massey, McElderry, Mobley, Oliver, Ship Smith, Taylor, Ward , Williams.

Those who voted for mr Vincent are messrs Crawford, Evans, Garth, Hogan Hubbard, Irwin, perry, Pickett, Smith, Watkins, Wood. Reps. Mr Speaker, Bates, Brown, Byrnes, Clark , Conner, Fearn , Fitts, Flournoy, Goldthwaite, Grigsby, Hays, Horton, Hudson, King, Ligon, Mobley, Morrisett, Perry, Philpott, Pope Rather, Roulston, Roysdon, Van Dyke.

Constantine Perkins, William G. Parish, Samuel B. Ewing, Benjamin B. Fontaine, John H. Sommerville, Thomas R. Bolling, Gilbert Saltonstall, William R. Colgin, Charles Lewin, Thomas Owen, James H. Dearing and Frederick C. Ellis having received a majority of the whole number of votes were declared by mr Speaker to be duly elected Directors of the Bank of the State of Alabama for the present year.

The two houses then proceeded to elect five canal commissioners, for the improvement of the navigation of the Tennessee river, John J. Ormond, John Sutherland, jun. John Craig, William I Adair, Nicholas Davis and Isaac Lane, being in nomination. The vote stood thus : for Mr Ormond 58— Mr Sutherland 57— Mr Craig 78— Mr Adair 83— Mr Lane 81— Mr Davis 83.

Those who voted for mr Ormond are mr President, Conner, Crawford, Evans, Hubbard, Irwin, Moore, Perry, Pickett, Smith, Vining, Watkins, Wood. Reps. Mr Speaker, Acklen, Banks, Barclay, Bates, Bradford, Byrnes, Clark, Coleman Cook, Coopwood, Curtis, Durrett, Fearn, Fitts, Goldthwaite, Greene, Grigsby, Hodges, Hudson, Jack, King, Lane, Lawler, Ligon, Mardis, Massey, Mims, Mobley, Moore, Morrisett, Murphree, Parsons, Penn, Philpott Pope Richardson Robinson Roulston Roysdon Russell Smith Van Dyke Williams and Young.

Those who voted for mr Sutherland are mr President, Abercrombie Crawford Edmondson Evans Garth Hogan Hubbard Jackson Merriwether Morton Perry Smith Walthall Wood. Reps. Mr Speaker Bates Barclay Bibb Brodnax Byrnes Clark Cole Coleman Conner Craig Dale Dennis Ellis Fitts Forrest Greene Grigsby Hays Hester Hodges Horton Hudson Jack Jackson Jones Lawler Ligon Massey McElderry Oliver Parsons Penn Philpott Pope Rather Ross Roysdon Taylor Ward Weissinger and Williams.

Those who voted for mr Craig are mr President Abercrombie Conner Crawford Edmondson Evans Garth Hogan Hubbard Irwin Jackson Merriwether Moore Morton Perry Pickett Vining Walthall Watkins Reps. Acklen Baker Banks Bates Bibb Bradford Brodnax Byrnes Cole Conner Cook Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Fitts Forrest Goldthwaite Greene Grigsby Hays Hester Horton Hudson Jackson Jones King Lane Lawler Ligon Mardis Massey McElderry Mims Mobley Moore Morrisett Murphree Oliver Penn Pope Rather Richardson Robinson Ross Roulstone Roysdon Russell Smith Taylor Van Dyke Weissinger and Young.

Those who voted for mr Adair are mr President Abercrombie Conner Edmondson Garth Hogan Irwin Jackson Merriwether Moore Morton Perry Pickett Smith Vining Walthall Watkins Wood Reps Mr Speaker Acklen Baker Banks Barclay Bates Bibb Bradford Brodnax Byrnes Clark Cole Coleman Conner Cook Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Fitts Forrest Goldthwaite Greene Hays Hester Hodges Horton Jack Jackson Jones King Lane Lawler Ligon Mardis Massey McElderry Mims Mobley Moore Morrisett Murphree Oliver Parsons Penn Pope Rather Richardson Robinson Ross Roulston Roysdon Russell Smith Taylor Van Dyke Ward Weissinger Williams and Young.

Those who voted for mr Davis are mr President Abercrombie Conner Crawford Edmondson Evans Garth Hogan Hubbard Irwin Jackson Merriwether Moore Morton Perry Pickett Smith Vining Walthall Watkins Wood. Reps mr Speaker Acklen Baker Banks Barclay Bates Bibb Bradford Brodnax Byrnes Cole Coleman Conner Cook Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Fitts Forrest Goldthwaite Grigsby Hays Hester Hodges Horton Hudson Jack Jackson Jones King Lane Lawler Mardis McElderry Mims Mobley Moore Morrisett Murphree Oliver Parsons Philpott Pope Rather Richardson Robinson Ross Roulston Roysdon Russell Smith Taylor Van Dyke Ward Weissinger Williams and Young.

Those who voted for mr Lane are messrs Abercrombie Conner Crawford Edmondson Evans Garth Hogan Hubbard Irwin Jackson Merriwether Moore Morton Pickett Smith Vining Walthall Watkins Wood. Reps. mr Speaker Acklen Baker Banks Barclay Bates Bibb Bradford Brodnax Clark Cole Coleman Conner Cook Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Forrest Goldthwaite Greene Grigsby Hays Hester Hodges Horton Hudson Jack Jackson Jones King Lane Ligon Mardis Massey McElderry Mims Mobley Moore Morrisett Murphree Oliver Parsons Penn Philpott Rather Richardson Robinson Ross Roulston, Russell Smith Taylor Van Dyke Ward Weissinger Williams and Young.

John J. Ormond, John Craig, William I. Adair, Nicholas Davis and Isaac Lane having received a majority of the whole number of votes, were declared by mr Speaker to be duly elected canal commissioners for the improvement of the navigation of the Tennessee river.

The two houses then went into the election of members of the board of internal improvement for the state of Alabama and proceeded first to the election of a commissioner or member of the board of internal improvement from the Mobile river district, Jack F. Ross and Henry Hitchcock being

in nomination. The vote stood thus : for Mr Hitchcock 42— for Mr Ross 44.

Those who voted for mr Hitchcock are mr Mr President, Crawford Evans Hogan Hubbard Merriwether Moore Morton Perry Pickett Smith. Reps. mr Speaker Byrnes Clark Cole Coopwood Curtis Dennis Ellis Fitts Forrest Goldthwaite Green Grigsby Hester Hodges Jones King Lawler Mardis Massey McElderry Mims Parsons Pope Richardson Russell Van Dyke Weissinger Williams and Young.

Those who voted for mr Ross are messrs Abercrombie Conner Edmondson Garth Irwin Jackson Vining Walthall Wood. Acklen Baker Banks Barclay Bates Bibb Bradford Brodnax Coleman Cook Craig Dale Durrett Fearn Flornoy Hays Horton Hudson Jack Jackson Lane Ligon Mobley Moore Murphree Oliver Penn Philpott Rather Robinson Ross Roulston Roysdon Taylor and Ward.

Jack F. Ross having received a majority of votes was declared by mr Speaker to be duly elected a member of the board of internal improvement from the Mobile river district.

The two houses then proceeded to elect a commissioner or member of the board of internal improvement from the Tombeckbe river district, George S. Gaines alone being in nomination.

Those who voted for mr Gaines are mr President Abercrombie Conner Crawford Edmondson Evans Hogan Hubbard Irwin Jackson Merriwether Moore Morton Perry Pickett Smith Vining Walthall Wood. Reps. Mr Speaker Acklen Baker Banks Barclay Bates Bibb Bradford Brodnax Byrnes Clark Cole Coleman Conner Cook Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Fitts Flornoy Forrest Goldthwaite Greene Grigsby Hays Hester Hodges Horton Jack Jackson Jones King Lane Lawler Ligon Massey McElderry Mims Mobley Moore Morrisett Oliver Parsons Penn Philpott Pope Rather Richardson Robinson Ross Roulston Roysdon Russell Taylor Van Dyke Ward Weissinger Williams and Young.

George S. Gaines having received all the votes present was declared by mr Speaker to be duly elected a member of the board of internal improvement.

The two houses then proceeded to elect member of the board of internal improvement from the Alabama river district John Martin and Charles Tate being in nomination. For mr Martin 38— for mr Tate 44.

Those who voted for Mr Martin are messrs Evans Hubbard Hogan Irwin Merriwether Moore Pickett Vining Reps. mr Speaker, Barclay Bradford Byrnes Clark Cole Conner Coopwood Dennis Ellis Goldthwaite Grigsby Hays Hester Hodges Jones King Lawler Mardis Massey Mims Murphree Philpott Richardson, Roysdon Russell Van Dyke weissinger and williams.

Those who voted for mr Tate are mr President Abercrombie Conner Crawford Edmondson Jackson Morton Perry Smith Walthall Wood Reps. Baker Banks Bibb Coleman Craig Curtis Dale Durrett Fearn Fitts Flornoy Forrest Greene Horton Hudson Jackson Lane Ligon McElderry Mobley Moore Morrisett Parsons Penn Pope Rather Robinson Ross Roulston Taylor Ward and Young.

Charles Tait having living received a majority of votes was declared by mr Speaker to be duly elected a member of the board of internal improvement for the state of Alabama.

The two houses then proceeded to elect a member of the board of internal improvement from the Black Warrior river district, Peyton King, Wm. Nichols, James H. Dearing and John R. Witherspoon, being in nomination. For mr King 42— mr Nichols 4— mr Dearing 14— mr Witherspoon 22

Those who voted for mr King are messrs Edmondson Evans Hogan Hubbard Jackson Morton Wood Reps Acklen Baker Barclay Bates Bibb Coleman Cook Craig Dennis Durrett Flornoy Forrest Goldthwaite Hester Hudson King Lane Lawler Ligon Mardis Massey McElderry Moore Murphree Oliver Parsons Penn Philpott Pope Rather Robinson Ross Roulston Roysdon and Ward.

Those who voted for mr Nichols are messrs Moore Perry Smith Rep. Ellis.

Those who voted for mr Dearing are mr President Abercrombie Conner Irwin Vining. Reps. Banks Bradford Fearn Fitts Greene Jackson Weissinger and Williams.

Those who voted for mr witherspoon are messrs Crawford Merriwether pickett and walthall. Reps. mr Speaker Byrnes Clark Cole Coopwood Dale Grigsby Hays Hodges Horton Jones Mims Richardson Russell Taylor Van Dyke and Young Peyton King having receive a majority of votes was declared by mr Speaker to be duly elected a member of the board of internal improvement for the state of Alabama.

The two houses then proceeded to elect a member of the board of internal improvement from the Coosa river district, Daniel E. Watrous, alone being in nomination. For mr Watrous 73 votes.

Those who voted for mr Watrous are mr President Abercrombie Conner Crawford Edmondson Evans Hogan Irwin Jackson Merriwether Moore Perry Smith Vining Walthall Wood. Reps Mr Speaker Acklen Baker Barclay Bates Bradford Byrnes Clark Cole Coleman Cook Coopwood Craig Dale Dennis Durrett Fearn Fitts Forrest Goldthwaite Greene Hays Hester Hodges Horton Hudson Jack Jackson Jones King Lane Lawler Ligon Mardis Massey McElderry Mims Mobley Moore Morrisett Murphree Oliver Parsons Penn Philpott Pope Rather Richardson Robinson Ross Roulston Russell Van Dyke Weissinger Williams and Young.

Daniel E. Watrous having received all the votes present was declared by mr Speaker to be duly elected a member of the board of internal improvement for the state of Alabama from the Coosa river district.

The two houses then proceeded to elect a member of the board of internal improvement from the Tennessee river district, John Sutherland, jun. and William H. Moore being in nomination. For mr Sutherland 56— mr Moore 16.

Those who voted for mr Sutherland are messrs Abercrombie Conner Edmondson Hubbard Irwin Jackson Perry Wood. Reps. Mr Speaker Baker Bates Bibb Byrnes Cole Coleman Cook Coopwood Craig Dale Dennis Durrett Fearn Fitts Flornoy Forrest Greene Hays Hester Hodges Horton Hudson Jack Jackson Jones Lane Lawler Ligon Mardis McElderry Mims Mobley Morrisett Murphree Oliver Parsons Penn Philpott Pope Rather Richardson Robinson Ross Taylor Ward Weissinger Williams and Young.

Those who voted for mr Moore are mr President Crawford Evans Hogan Merriwether Moore Smith Vining. Reps. Barclay Bradford Clark King Roulston Russell and Van Dyke.

John Sutherland, having received a majority of votes, was declared by mr Speaker to be duly elected a member of the board of internal improvement for the state of Alabama, from the Tennessee river district.

The Senate thereupon withdrew; returned to their own chamber and mr President resumed the chair.

And then the Senate adjourned till 10 o'clock to-morrow morning.
Tuesday, January 19, 1830.

The Senate met pursuant to adjournment.

Mr Vining from the joint committee on enrolled bills reported as correctly enrolled an act regulating the duties of county treasurers and an act to authorize James Davis and associates to turnpike a certain road therein named, which were accordingly signed by Mr President.

A message from the House of Representatives by Mr Van Dyke : Mr President— the House of Representatives have read three several times and passed a bill which originated in the Senate, entitled an act repealing in part an act passed at the annual session of the General Assembly, for the year 1829, changing and designating the time of holding the circuit courts in the 7th and 3rd judicial circuits for the state of Alabama, and have amended the same by striking out all of the first section after the enacting clause, and inserting in lieu thereof the substitute herewith shewn ; in which they desire your concurrence. They have also passed a bill which originated in their House, entitled an act to repeal an act to incorporate the town of

Hazlegreen, in the county of Madison, passed June 15, 1821; and also the 12th section, and so much of the 13th section of an act to alter the time of appointing overseers of roads, passed Dec. 24, 1824, as relates to the town of Hazlegreen; in which they desire the concurrence of the Senate. They have also read three several times and passed a bill which originated in the Senate, entitled an act to appoint commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians, and for other purposes, and have amended the same by striking out of the forth section thereof, the words "until the Government of the United States shall otherwise direct;" in which they desire your concurrence.

Ordered, that the bill entitled an act repealing in part an act passed at the annual session of the General Assembly for the year 1829, changing and designating the time of holding the circuit courts in the 7th and third judicial circuits for the state of Alabama, together with the amendment made thereto by the House of Representatives lie on the table.

A bill from the House of Representatives, entitled an act to repeal an act to incorporate the town of Hazlegreen in the county of Madison, passed June 15, 1821, and also the 12th section and so much of the 13th section of an act to alter the time of appointing overseers of roads, passed 24th Dec. 1824, as relates to the town of Hazlegreen, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Ordered, that the Senate concur in the amendment made by the House of Representatives to the bill entitled an act to appoint commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians, and for other purposes. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Abbott: Mr President—The House of Representatives have appointed a committee consisting of messrs Parsons, Coleman and Fearn to confer with the committee appointed on the part of the Senate, on the subject of the disagreement between the two Houses in relation to the amendment made by the Senate to the bill entitled an act more effectually to prevent the circulation of what are termed change bills or tickets. They concur in the amendments made by the Senate to the bill entitled an act to establish the county of Lowndes. They have passed a bill which originated in the Senate, entitled an act for the relief of Edmund Price. They have also passed a bill which originated in their House, entitled an act regulating appeals taken from the county to the circuit courts in which they desire the concurrence of the Senate. They have indefinitely postponed a bill which originated in the Senate entitled an act to amend the law on the subject of proving and recording deeds.—They have read three several times and passed a bill which originated in their House, entitled an act to divorce certain persons therein named, in which they also desire the concurrence of the Senate.

A bill from the House entitled an act regulating appeals from the circuit to the county courts was read the first time. Mr Smith moved that the further consideration of the bill be indefinitely postponed, which was carried. Yeas 12—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are messrs Conner, Edmondson, Evans, Hogan, Jackson, Merriwether, Perry, Pickett, Vining, Walthall and Watkins.—Those who voted in the negative are Mr President and Moore.

A bill from the House of Representatives entitled an act to divorce cer-

tain persons therein named, was read the 1st time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time.

Mr Hogan offered an amendment divorcing Leger Borel from Theresa Borel pursuant to a decree of the circuit court of Mobile county, exercising chancery jurisdiction which was adopted, the rule being further dispensed with the bill was read the third time and question being put Shall the bill pass? it was decided in the affirmative. Yeas 12— Nays 5.

The yeas and nays being desired those who voted in the affirmative are Mr President, Abercrombie, Conner, Evans Hogan Hubbard Irwin Moore Perry Smith Vining and Walthall— Those who voted in the negative are messrs Edmondson Jackson Merriwether Pickett and Wood.

Ordered, that the secretary acquaint the House therewith.

Mr Anderson, the Senator from the district composed of Pickens, Fayette and Marion appeared and resumed his seat.

A message from the House of Representatives by Mr Van Dyke : Mr President— the House of Representatives have read three several times and passed a bill which originated in the Senate, entitled an act to extend the time for final settlement of the account of the tax collector of Morgan county.

Mr Abercrombie offered the following resolution: *Resolved*, that with the concurrence of the House of Representatives, the two Houses will proceed to the election of a judge of the county court for the county of Lowndes at the hour of 7 o'clock this evening which was adopted. v that the secretary acquaint the House of Representatives therewith.

Mr Merriwether offered the following resolution : *Resolved*, that with the concurrence of the House of Representatives the two Houses will proceed to the election of members to fill the respective medical boards, at the hour of 7 o'clock this evening which was adopted. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Irwin presented the account of Thomas Blackstone against the state, which was referred to the committee on accounts and claims.

Engrossed bill to be entitled an act to regulate sales by auction in the city and county of Mobile, and for other purposes, was read the third time and the question being put Shall the bill pass? it was carried. Yeas 12— Nays 3.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie Anderson Conner Crawford Edmondson Hogan Jackson Moore Perry Vining and Wood— Those who voted in the negative are messrs Evans Merriwether and Walthall

Ordered, that the title of the bill be as aforesaid and that it be sent to the House of Representatives for their concurrence.

The Senate resumed the consideration of the bill entitled an act to designate the boundaries of certain counties therein named. On motion of Mr. Walthall ordered that the bill lie on table.

Ordered, that the engrossed bill entitled an act to enforce the rules of the judges of the orphans' courts lie on the table.

An engrossed bill to be entitled an act making appropriation for the completion of the state capitol, was read the third time and the question being put Shall the bill pass? it was carried. Yeas 12— Nays 6.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Anderson, Conner, Edmondson, Hogan, Hubbard, Jackson, Merriwether, Moore, Smith Vining and Wood— Those who voted in the negative are Messrs Abercrombie, Crawford, Evans, Perry, Pickett and Walthall.

Mr Pickett from the committee on propositors and grievances submitted the following report : The committee on propositions and grievances to

which was referred a memorial from sundry citizens of Bibb county, praying the Legislature to pass a law to ascertain the centre of said county, and to establish the seat of justice within one mile of the same, have had the same under consideration, and have come to the conclusion that it is inexpedient to legislate on the subject, in which they ask the concurrence of the Senate. And the question being put on concurring in the report it was carried. Yeas 14— Nays 2.

The yeas and nays being desired, those who voted in the affirmative are messrs Anderson, Abercrombie, Conner, Crawford, Edmondson, Hogan Irwin, Jackson Merriwether, Moore, Pickett, Smith, Walthall and Wood.— Those who voted in the negative are mr President Perry and Vining.

And then the Senate adjourned till 3 o'clock this evening.

Three o'clock P. M. — The Senate met pursuant to adjournment.

A bill to be entitled an act to emancipate a female slave named Maria, a part of the estate of the late Christopher McConnico, of the county of Monroe, was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Hogan introduced a bill to be entitled an act to incorporate the Tuscaloosa fire engine company ; which was read and the rule requiring bills to read on three several days being dispensed with, the bill was read the second and third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Vining from the joint committee on enrolled bills, reported as correctly enrolled an act to appoint commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians , which was accordingly signed by Mr President.

Mr Hogan called up a bill to be entitled an act to appoint commissioners to mark and lay out a certain road therein specified. On motion of Mr Hogan, ordered, that the Senate recede from their amendment to the bill by adding the 8th and 9th section thereto.

A message from the House of Representatives by Mr Abbott : Mr President— the House of Representatives have read three several times and passed bills, which originated in their House, entitled an act to organize the county of Lowndes , and for other purposes ; an act making appropriations for the payment of certain claims against the state ; and an act making appropriations for the year 1830, in all of which they desire the concurrence of the Senate.

A bill from the House entitled an act to organize the county of Lowndes and for other purposes, was read the first time, and the rule requiring bills to be read on three several days being dispensed with the bill was read the second time. Mr Smith offered the following amendment : "And be it further enacted, that the third section of an act passed the present session of the Legislature to establish the county of Lowndes, shall not take effect nor be in force until the 25th day of December next, any law to the contrary notwithstanding. *Ordered*, that the bill and proposed amendments lie on the table.

Mr Jackson, from the committee of conference appointed on the disagreement existing between the two Houses in relation to the amendment made by the Senate to the bill entitled an act more effectually to prevent the the circulation of what are termed change bills or tickets reported that the committee have agreed that the Senate recede from their amendment to the bill by striking out the second section, and that the third section be amended by inserting after the word 'give' in the 2nd line, the words "the first section of :"
Ordered, that the report lie on the table.

A bill from the House of Representatives, entitled an act making appropriation for the payment of certain claims against the state, was read the first time and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time. Mr Jackson offered the following amendment to the bill : And be it further enacted, that the sum of three thousand five hundred dollars be, and the same is hereby appropriated out of any monies in the treasurer not otherwise appropriated for the purpose of furnishing each county in this state with a complete set of weights and measures as heretofore directed by law, and that the secretary of state shall have authority to draw the same, which was adopted. Yeas 10—
Nays 9.

The yeas and nays being desired those who voted in the affirmative are Mr President, Abercrombie Evans Hogan Jackson Merriwether Perry Smith Walthall and Watkins— Those who voted in the negative are Messrs Anderson Crawford, Edmondson Garth Hubbard Irwin Moore Pickett and Vining.

Mr Hogan offered the following amendment to the bill : And be it further enacted, that the sum of eight thousand six hundred dollars be, and the same is hereby appropriated for the completion of the state capitol, to be paid out of any money in the treasury not otherwise appropriated, to the order of the commissioners appointed to superintend the erection of the state capitol which was rejected. Yeas 3—Nays 17.

The yeas and nays being desired those who voted in the affirmative are Mr President, Hogan and Jackson— Those who voted in the negative are Messrs Abercrombie, Anderson, Conner, Crawford, Edmondson, Evans, Garth Hubbard Irwin Merriwether Moore Perry Pickett Smith Vining Walthall and Wood. Ordered, that the bill be committed to the committee on accounts and claims.

A to be entitled an act making appropriations for the year 1830, was read and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed. *Ordered, that the secretary acquaint the House of Representatives therewith.*

A message from the House of Representatives by Mr Abbott : Mr President—the House of Representatives concur in the amendments made by your hon. body to the memorial to Congress upon the subject of public lands, which they have amended as herewith shewn ; in which they ask your concurrence.

Ordered, that the Senate concur in the amendment made by the House of Representatives to their amendment to the memorial mentioned in the foregoing message. Ordered, that the secretary acquaint the House of Representatives therewith.

Mr Moore called up the bill to be entitled an act to alter the times of holding the county courts of Jackson and Lauderdale counties. *Ordered, that the Senate disagree to the first amendment made by the House of Representatives to the bill, and that they concur in all the other amendments made thereto. Ordered, that the secretary acquaint the House of Representatives therewith.*

Mr Smith introduced a joint resolution authorizing the commissioners for the erection of the state capitol to discharge the state architect whenever they may think proper so to do ; which was read. Mr Jackson moved that the resolution lie on the table till the first of February next, which was lost Yeas 8—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Mr President Conner Edmondson Jackson Merriwether Pickett Vining and Walthall — Those who voted in the negative are messrs Anderson Crawford Evans Garth Hogan Hubbard Moore Perry Smith and Wood.

Mr Perry moved that the rule requiring joint resolutions to be read on three several days be dispensed with, and that the resolution be read the second time forthwith, which was carried. Yeas 14—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie, Anderson Conner Crawford Edmondson Evans Garth Hogan Merriwether Perry Pickett Smith Walhall and Wood— Those who voted in the negative are Mr President Jackson and Vining.

Mr Perry moved to strike out all the resolution after the enacting clause and to insert the following: "that the state architect be discharged from further services in the erection of the state capitol and that the commissioners be authorized to employ some competent person to superintend the completion of the same, and pay him not exceeding five hundred dollars per annum." which was carried. *Ordered*, that a resolution be engrossed for a third reading to-morrow.

Mr Abercrombie called up the bill entitled an act to organize the county Lowndes, and for other purposes. The amendment offered by Mr Smith was rejected and the rule requiring bills to be read on three several days being further dispensed with, the bill was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Abbott: Mr President — the House of Representatives have read three several times and passed a bill when originated in the Senate entitled an act for the relief of Henry Sossaman. They concur in the resolution of your hon. body proposing to go into the election of a judge of the county court, for the county of Lowndes, and members of the medical board, at 7 o'clock this evening. They have read three several times and passed a bill which originated in the Senate, entitled an act to alter and amend the charter of incorporation of the city of Mobile, which they have amended as herewith shewn— *Ordered*, that the last mentioned bill and amendments lie on the table till to-morrow.

Mr Vining from the committee on accounts and claims to which was referred a bill entitled an act making appropriations for the payment of certain claims against the state, reported the same with sundry amendments, all of which were concurred in; the rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and the question being put. Shall the bill pass? it was carried.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Abercrombie, Conner, Edmondson, Evans, Hogan, Hubbard, Irwin, Jackson, Merriwether, Moore, Perry, Smith, Vining, Walhall and Wood— Those who voted in the negative are messrs Anderson, Garth and Pickett. So the bill was passed.

Ordered, that the secretary acquaint the House of Representatives therewith.

And then the Senate adjourned till 7 o'clock this evening.

SEVEN O'CLOCK P. M. Jan. 19, 1830— The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Abbott: Mr President — the House of Representatives have adopted the following resolution: *Resolved*, that the Senate be informed that the House is now ready to receive them for the purpose of going into the election of a judge of the county court of Lowndes county, and members of the medical board. Whereupon the members of the Senate repaired to the Hall of the House of Representatives and having taken their seats Mr President arose and announced the object of the meeting. When the two Houses proceeded to the elec-

tion of a judge of the county court of Lowndes county, Peter Williamson alone being in nomination. For Mr Williamson 56 votes.

Those who voted for Mr Williamson are messrs Abercrombie Anderson Edmondson Evans Garth Hogan Moore Perry Pickett Smith Vining Walthall Wood. Reps. Acklen Baker Barclay Bradford Brodnax Brown Byrne Cole Conner Craig Curtis Dale Dennis Durrett Ellis Fitts Flournoy Grigsby Hays Hester Hodges Horton Jack Jones King Lane Lawler Massey Metcalfe Mims Mobley Moore Rather Richardson Ross Roulston Ship Smith Taylor Van Dyke Ward and Williams.

Peter Williamson having received all the votes present was declared to be duly elected judge of the county court of Lowndes county.

The two Houses then proceeded to the election of three members of the medical board established at Huntsville, Doctors Edward Pickett, Richard L. Fearn, and Alfred Moore being in nomination. Dr Pickett 54—Dr Fearn 54—Dr. Moore 54.

Those who voted for Dr Pickett Fearn and Moore are messrs Abercrombie Edmondson Garth Perry Pickett Smith Vining Walthall Reps. Acklen Baker Barclay Bates Bradford Brodnax Brown Byrnes Cole Coopwood Curtis Dennis Durrett Ellis Fitts Flournoy Goldthwaite Grigsby Hays Hester Hodges Horton Jack Jones King Lane Lawler Ligon Massey Metcalfe Mims Mobley Moore Morrisett Murphree Rather Richardson Ross Roulston Ship Smith Taylor Ward Weissinger and Williams

Mr Hogan voted for Drs Pickett and Moore. Mr Anderson voted for Drs Irby and Erskine—Mr Van Dyke voted for Drs. Moore Irby and Erskine.

Doctors Edward Pickett Richard L. Fearn and Alfred Moore having received a majority of votes were declared to be duly elected members of the medical board established at Huntsville.

The two Houses then proceeded to elect two members of the medical board established at Tuscaloosa. Dr. Doric S. Ball and Dr Zachariah Merriwether being in nomination. For Dr. Ball 55—Dr Merriwether 55 votes

Those who voted for Drs Ball and Merriwether are Messrs Abercrombie Anderson Edmondson Garth Hogan Perry Pickett Smith Vining Walthall Reps Acklen Baker Barclay Bates Bradford Brodnax Brown Byrnes Cole Coopwood Dale Dennis Durrett Ellis Fitts Flournoy Goldthwaite Grigsby Hays Hester Hodges Horton Jack Jackson Jones King Lawler Ligon Metcalfe Mims Mobley Moore Morrisett Murphree Rather Richardson Ross Roulston Ship Smith Taylor Van Dyke Ward Weissinger Williams

Dr Doric S. Ball and Zachariah Merriwether having received a majority of votes were declared by mr Speaker to be duly elected members of the medical board established at Tuscaloosa.

The two Houses then proceeded to elect two members of the medical board established at Selma, Dr Asa Hoxey and Dr Peter W. Herbert being in nomination. 57 votes each.

Those who voted for Drs Hoxey and Herbert are messrs Abercrombie Anderson Edmondson Garth Hogan Moore Perry Pickett Smith Vining Walthall Wood. Reps. Acklen Baker Barclay Bates Bradford Brodnax Brown Byrnes Cole Dale Dennis Durrett Ellis Flournoy Goldthwaite Grigsby Hays Hester Horton Hudson Jack Jackson Jones King Lane Lawler Ligon Massey Metcalfe Mims Mobley Moore Morrisett Murphree Rather Richardson Ross Roulston Ship Smith Taylor Van Dyke Ward Weissinger and Williams.

Drs Asa Hoxey and Peter W. Herbert having received a majority of the whole number of votes were declared to be duly elected members of the medical board established at Selma.

The two Houses then proceeded to elect three members of the medical board established at Claiborn, Drs Joshua S. Wilson, John W. Moore and Henry E. Curtis being in nomination. For Dr. Wilson 57—Dr Moore 57—Dr. Curtis 57.

Those who voted for Drs Wilson, Moore and Curtis are the same that voted in the election for members of the medical board at Selma.

Drs Joshua S. Wilson, John W. Moore, and Henry E. Curtis having received a majority of the whole number of votes, were declared by mr Speaker to be duly elected members of the medical board established at Clai-

borne. The elections being completed the Senate withdrew, returned to their own chamber and mr President resumed the chair.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Wednesday, January 20, 1830.

The Senate met pursuant to adjournment.

Mr Edmondson, from the special committee appointed to examine the books and management of the treasurers office, submitted the following report : The joint committee appointed by a resolution of the Senate and House of Representatives to examine the condition of the treasury department, beg leave to report : That they have examined the commissioner of that department and the mode in which the business thereof has been committed from the 12th of December 1821 to the 23d of December 1829 during which time John C. Perry was treasurer ; that they have examined every document and compared them with the treasurer books and they are satisfied with their correctness ; that the mode in which the affairs of the department have been administered is in every respect satisfactory to the committee, and that the skill and ability manifested by the treasurer in the discharge of his duties entitled him to the respect and confidence of this legislature and of the public.

WM. EDMONDSON, *Chairman on part of the Senate.*

WM. TAYLOR, *Chairman on part of the H. Reps.*

Which report was unanimously concurred in.

A message from the House of Representatives by Mr Abbott : Mr President— the House of Representatives concur in the report and amendments made by the committee of conference on the subject of the disagreement between two houses in relation to the amendment made by the Senate to the bill entitled an act more effectually to prevent the circulation of what are termed change bills or tickets. They have passed a bill which originated in their house entitled an act for the relief of Jane Turne (?) They have also read three several times and passed a bill which originated in their house entitled an act to authorize the county courts of Butler, Pickens Shelby and Autauga counties to cause certain records therein named to be transcribed ; in which they desire the concurrence of the Senate.

Ordered, that the Senate concur in the report of the committee of conference mentioned in the foregoing message. *Ordered*, that the secretary acquaint the House of Representatives therewith

A bill from the House entitled an act to authorize the county courts of Butler, Pickens, Shelby and Autauga counties to cause certain records therein named to be transcribed, was read and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third times forthwith and passed. *Ordered*, that the secretary acquaint the House therewith.

A message from the House of Representatives by mr Abbott : Mr President— The House of Representatives concur in all the amendments made by your honorable body to the bill which originated in the House of Representatives, entitled an act the better to provide for the examination of the offices of the clerks of the circuit and county courts of this state.

Mr Garth, from the committee on enrolled bills reported as correctly enrolled an act for the relief of Henry Sossaman ; an act to extend the time for final settlement of the accounts of the tax collector of Morgan county an act for the relief of Edmond Prince ; memorial to the Congress of the United States to procure the establishment of a land office at Montecello in Pike county. All of which were accordingly signed by mr President.

Mr Anderson introduced a bill to be entitled an act to change the times

of holding courts in the first judicial circuit which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Hogan called up the bill to be entitled an act to alter and amend the charter of incorporation of the city of Mobile. On motion of Mr Hogan ordered, that the Senate disagree to the amendments made thereto by the House of Representatives. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Abbott : Mr President – the House of Representatives insist on their disagreement to the amendment of the Senate to the bill entitled an act to discontinue and establish certain election precincts therein specified, by striking from the first section the words “and Jesse Lott’s. They disagree to the amendment of the Senate by striking out that part discontinuing the precinct at Robert Bolling’s. They concur in the amendment proposing a discontinuance of the precinct at Arthur Garnner’s in Monroe county. They disagree to the amendment of the Senate establishing an additional precinct at Chesley R. Roundtree’s in Lauderdale county.

On motion of Mr Hogan, ordered, that the Senate adhere to their amendment to the bill establishing election precincts by striking out the words ‘at Jesse Lotts’ *Ordered*, that they recede from the remainder of the amendments to the bill. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Vining, from the joint committee on enrolled bills reported as correctly enrolled an act to appoint commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens; an act to establish the county of Lowndes; an act to organize the county of Lowndes and for other purposes; memorial of the General Assembly of the state of Alabama in the Congress of the United States in relation to the forfeited lands within the state and now advertised for sale by the proclamation of the President – all of which were accordingly signed by Mr President.

A message from the Governor by J. I. Thornton:

EXECUTIVE DEPARTMENT, Jan. 20th, 1830.

To the Hon. President and Members of the Senate :

I have this morning received the resignation of Dr Thomas Fearn, as trustee of the university of Alabama. I have the honor to be, most respectfully your obedient servant.

GABRIEL MOORE.

Ordered, that the communication lie on the table.

A message from the House of Representatives by Mr Abbott : Mr President – The House of Representatives have passed a bill which originated in their house entitled an act to emancipate certain slaves therein named, in which they desire the concurrence of the Senate.

The bill mentioned in the foregoing message was read the first and second time and laid on the table.

A message from the House of Representatives by Mr Abbott : Mr President – The House of Representatives have read and adopted the memorial to the Congress of the United States to procure the establishment of a land office. Monticello to Pike county, Alabama, which originated in the Senate. They have also read and adopted the memorial of Samuel Martin which originated in the house and in which they desire your concurrence.

The memorial of Samuel Martin was read and ordered to lie on the table.

A message from the House of Representatives by Mr Van Dyke : Mr President— The House of Representatives have adopted the following resolutions, in which they desire your concurrence: Resolved with the concurrence of the Senate that the two houses will convene in the Representative hall at 3 o'clock P. M. to go into the election of a trustee of the University of Alabama from the fifth judicial circuit to fill the vacancy occasioned by the resignation of Thomas Fearn.

Ordered, that the Senate concur in the foregoing resolution and that the secretary acquaint the House of Representatives therewith.

Engrossed joint resolution discharging the state architect and for other purposes, was read the third time and passed. Yeas 9— Nays 6.

The yeas and nays being desired, those who voted in the affirmative are Messrs Crawford, Evans, Hogan, Moore, Perry, Pickett, Smith, Walthall and Wood.

Those who voted in the negative are Mr President, Edmondson, Garth, Jackson, Merriwether and Vining.

Ordered, that the secretary acquaint the House of Representatives therewith.

On motion of Mr Hogan the bill entitled an act to emancipate certain slaves therein named was taken up. Mr Hogan moved to amend the bill so as to provide for the emancipation of a negro man named Pierre Registe, which was carried. Yeas 7— Nays 6.

The yeas and nays being desired, those who voted in the affirmative are Mr President, Garth Hogan Irwin Merriwether Moore and Vining— Those who voted in the negative are Messrs Crawford, Edmondson Evans Jackson Pickett and Wood.

The rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

And then the Senate adjourned till three o'clock this evening.

THREE O'CLOCK P.M.— The Senate met pursuant to adjournment.

Mr Hogan and others availed themselves of their constitutional right to have the following document spread upon the journals of the Senate.

The resolution when removed Hugh McVay from a seat in the Senate, and placed James Jackson thereon as Senator for the county of Lauderdale demanded from us and we trust received the most serious and impartial attention that a subject of such importance required. The decision on that question places the undersigned in the minority, and induces the exercise of the constitutional privilege of protesting against the adoption of that resolution.

The committee of privileges and elections to whom the subject had been referred report the expression of the constitution and an act of the General Assembly of 1827, in regard to the subject of contested elections with a strict reference to the letter, no other provisions exist in the constitution or in any statute the conclusion to which the committee arrives, is that if a notice of an intention to contest cannot be served upon the party returned as elected, whether his absence which prevents wilful or accidental, that the Senate have the right and power, of laying the question of a contested under the constitution itself. The committee report that a personal service to contest the election was not served on Hugh McVay and they expressly avoid saying that he was wilfully absent from his house or county so that thereby such service was by him intentionally avoided. It therefore involves the question whether leaving a copy of the notice at the house of McVay, by being absent, conforms to the requisitions of the act of 1827 which requires that such notice shall be served by the sheriff or other officers as judicial writs are required to be executed. That a judicial writ was ever in this state in any case thus executed a least as a first process we do not believe and against such service being a legal one, we beg leave to enter our solemn protest, no theory advanced, no dogma adduced, no book read, has given us any other conviction than that the judicial process in this state, which we believe was intended by the legislature which passed the act of 1827 is the writ of *capias ad respondendum*, that it never was executed otherwise than personally, this was not done and the law not being conformed to, McVay was not bound to make any answer or place himself in an attitude of defence. But the resolution adopted supposes an inherent power in the Senate derived from the constitution

itself to judge of contested elections independent of all legislative enactment , and as the committee report that from the evidence before them McVay received many votes that were proved to be illegal and when excluded left Jackson a small majority and which consequently was received as sufficient evidence to prove that the return of the sheriff of Lauderdale, declaring McVay elected, incorrect. We however contend that the constitution requires that a law shall be enacted prescribing the mode if at an election shall be contested, and that an election could be contested until such law was passed, and that the Senate had no right under the constitution to set aside the law of 1827 which prescribe the mode of contesting an election, and that there is no provision in the constitution which authorises the Senate to determine a contested election separate and apart from legislative enactments. The very expressions of the constitution are "each house shall judge of the qualifications, elections and returns ?????????????????????????????? tion shall be determined in such manner as shall be directed by law ???????? judge of the qualifications &c. of a member whether from ???????????a ?????????????????????? ident or ?????????????????? was not ?????????????????? by such an ?????????????????? as could be recognized by law. We do not doubt the competency of the Senate under the constitution on ?????? legislation but as to a contested election we are to determine them in such a manner as shall be directed by law, and this is emphatically a contested election and should have been governed by the law of 1827. In support of the principles here advanced, we cite the precedent established by the Senate in 1825, at which time John Wood contested the election of John Brown ??? of Jefferson county. ????? that ?une their had bee no legislative enactment establishing the mode of contesting an election and John Wood was left to pursue his own course in relation to taking testimony to establish his right to the seat. John Brown paid no attention and declared attending the taking of testimony consequently all the testimony taken by John Wood was ex parte the Senate in that case ejected all the evidence produced by Wood and reported that John Brown had substituted the sheriff's certificate which clearly proved he was the Senator until the contrary be proved. John Wood again addressed the Senate by memorial and asked for further time, and to joint out the mode that should be pursued to establish his right to a seat in the Senate. His memorial was referred to a special committee of which A. P. Bagby was chairman, and they reported and say "that upon the return of the sheriff of Jefferson county it appears that John Brown is the person duly elected a Senator from that county, that neither the constitution of the state, nor any law made in pursuance thereof authorized the Senate to go beyond the return of the sheriffs in the investigation of a contested election." Again they say "since then they in like manner of the memorialist not authorized by any rule of law or equal and contra??? the rule adopted for the government of the Senate, they have found to difficulty in coming to the conclusion that the Senate can take no further cognizence of the contest." In support of this opinion, we find among the names of the majority on that question that of mr Jackson of Lauderdale, We believe in the correctness of the principle then settled and are not now willing to change it. We pass over the probability that had each party go into the examination of the illegal votes given on both sides, that the result might have been different or it rarely happens that in a close competition among such a number of votes, that there are not as many illegal votes on one sde as the other ad as McVay did not taken any steps whatever to repel or procure testimony it at least evinces to ??? that be thought under the law, a notice served in this way might well be considered as vexations rather than worthy of attention. If indiscriminately, we saw the absent person returned as elected may from a notice in this manner served, be turned exparte from the office assigned him by the people, we involve the wicked and the innocent the man of misfortune and him of villany in the same common condition the man who on pressing business, not thinking of such a measure or the who hastens to a distance to solace a friend in a dying bed may fall under such principles for ourselves we would be guarded as faithful citizens by the law, if we have mistaken its construction the delusion rests with ourselves, but under the conviction we at present entertain that in the adoption of the aforesaid and resolution the law has not been sufficiently regarded and that the constitution allowed no such procedure without legislative aid. we beg leave as a minority who voted against the resolution , to enter our most solemn protest.

[Signed] JAMES SMITH SAMUEL B MOORE

JOHN B. HOGAN, WM. R. PICKETT, NEAL SMITH, SAMUEL B. MOORE,
JOHN WOOD, WM. EDMONDSON, WILLIAM IRWIN.

Mr. Moore from the joint committee on enrolled bills reported as correctly enrolled an act to repeal an act incorporating the town of Hazle-green, in the county of Madison passed June 15, 1821, and also the 12th section and so much of the 13th section of an act to alter the time of appointing overseers of roads, passed Dec. 24, 1824, as relates to the town of

Hazlegreen ; an act making appropriations for the year 1830 ; and , an act to emancipate a female slave named Maria, a part of the estate of the late Christopher McConico of the county of Monroe. All of which were accordingly signed by mr President.

Mr Abercrombie from the special committee to which was referred a resolution of the Senate, submitted the following report:

The special committee, to whom was referred a resolution instructing them to inquire "whether the U. States' agent for the Creek nation of Indians has used any or proper exertions to cause the said nation of Indians to remove from within the chartered limits of this state, or whether his conduct has been such towards that nation as has prevented or tended to prevent their removal , or otherwise improper and prejudicial to the interests of Alabama , with leave to report a memorial to the President of U. States," have had the same under consideration and from letters received from some of the delegation of Alabama in Congress they are induced to believe that it is the intention of the government of the United States to retain the said agent in office , and that any memorial to the President on that subject would most probably be useless. They therefore ask leave to be discharged from the further consideration of the subject referred to them by said resolution : — which was agreed to.

A message from the House of Representatives by mr Abbott:

Mr President : The House of Representatives concur in the amendments made by the Senate to the bill entitled an act making appropriations for the payment of certain claims against the state , and have amended the same by striking out sections No. 24,25 & 41 : in which amendments they desire the concurrence of the Senate.

Mr Vining moved that the Senate recede from their amendment to the bill mentioned in the foregoing message, by adding section No. 24, making an appropriation of *three thousand five hundred dollars* for the purchase of a set of weights and measures for each county in this state, which was carried. Yeas 11— Nays 3.

The yeas and nays being desired those who voted in the affirmative are messrs Anderson, Conner, Crawford, Edmondson, Hogan , Irwin, Moore, Perry, Vining, Walthall and Wood. Those who voted in the negative are mr President Jackson and Merriwether

Mr Hubbard moved that the Senate insist on their amendment by adding section No. 25 to the bill, which was carried. Mr Irwin moved that the Senate insist on their amendment, by adding section No. 41 to the bill, which was carried. *Ordered*, that the secretary acquaint the House therewith.

Mr Perry offered the following resolution : *Resolved*, that a committee be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives to wait upon the Governor and inform him that the two houses of the General Assembly will be ready to adjourn *sine die* this evening at 10 o'clock, if he has no further communication to make to them. Mr Irwin moved to strike from the resolution the words *ten o'clock*, which was carried. Mr Hogan moved to insert *twelve o'clock to night*, as the hour of adjournment, which was lost. Yeas 7— Nays 7.

The yeas and nays being desired, those who voted in the affirmative are messrs Anderson Hogan Merriwether Moore Smith Vining and Wood--- Those who voted in the negative are mr President Crawford Edmondson Irwin Jackson Perry and Walthall.

Mr Moore moved to insert "11 o'clock" which was lost. Mr Hogan moved to insert "9 o'clock," which was lost. Mr Jackson moved to fill the blank with 6 o'clock this evening." which was carried. The resolution was then adopted ; whereupon messrs Perry and Wood were appointed the committee on the part of the Senate. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Perry called up the bill entitled an act to repeal in part an act passed in the annual session of the General Assembly for the year 1829, changing and designating the time of holding the circuit courts in the 6th and 3^d judicial circuits. *Ordered*, that the Senate concur in the amendment made

thereto by the House of Representatives . *Ordered*, that the secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr Abbott: Mr President— the House of Representatives have adopted the following resolution: *Resolved*, that the Senate be informed that this House is now ready to receive them in the Hall of the House of Representatives to proceed to the election of a Trustee of the University for the 5th judicial circuit ; whereupon the members of the Senate repaired to the Hall of the House of Representative, and having taken their seats, Mr President announced the object of the meeting , when the two Houses proceeded to the election of a Trustee of the University of Alabama, for the 5th judicial circuit, to supply the vacancy occasioned by the resignation of Dr Thomas Fearn ; James G. Birney , Esq. being in nomination. For Mr Birney 56 votes.

Those who voted for mr Birney are mr President, Anderson Conner Crawford Edmondson Evans Hogan Hubbard Irwin Jackson Merriwether Moore Perry Smith Vining Walthall and Wood. Reps. Acklen Baker Banks Bates Bibb Bradford Broadnax Brown Byrnes Clark Coopwood Ellis Fearn Fitts Flournoy Goldthwaite Hays Hester Hodges Jack Jones King Ligon Mardis Massey Mims Mobley Moore Morrisett Murphree Penn Philpott Rather Richardson Ross Russell Smith Taylor Weissinger Williams and Young James G. Birney Esq. having received a majority of the whole number of votes, was declared to be duly elected a Trustee of the University of Alabama, from the 5th judicial circuit.

The election being completed the Senate withdrew, returned to their own chamber, and Mr President resumed the chair.

A message from the House of Representatives by Mr Van Dyke : Mr President – the House of Representatives recede from their disagreement to the amendments made by the Senate to the bill entitled an act making appropriations for the payment of certain claims against the state by adding sections No. 25 and 41.

Mr Moore from the joint committee on enrolled bills reported as correctly enrolled, an act more effectually to prevent the circulation of what are termed change bills or tickets, which was accordingly signed by Mr President.

A message from the House of Representatives by Mr Van Dyke : Mr President – the House of Representatives have read three several time and passed a bill which originated in the Senate entitled an act to change the time of holding courts in the first judicial circuit. They concur in the last amendment made by the Senate to the bill entitled an act to appoint commissioners to mark and lay out a certain road therein specified. They also concur in the amendment of the Senate to the bill entitled an act to emancipate certain slaves therein named.

Mr Moore from the joint committee on enrolled bills reported as correctly enrolled an act the better to provide for the examination of the offices of the clerks of the county courts of Butler, Pickens, Shelby and Autauga counties to cause certain records therein named to be transcribed , which were accordingly signed by Mr President.

Mr Crawford presented the following document to be entered upon the journals of the Senate.

The undersigned having voted in the minority in the Senate on the contested election for a seat in the Senate as senator for the county of Lauderdale ; avail themselves of their constitutional privilege of protesting against the vote of the majority on that occasion and of spreading the reasons which governed their votes upon the journals of the Senate.

As impressions may go abroad that the minority in voting against a concurrence in the report of the committee of privileges and elections, did vote against the expressed will of

a majority of the people of Lauderdale county, the undersigned consider it as justly due to themselves and to their country, that the subject should be placed in what the consider its true light.

The undersigned believe that the decision of the majority was unsupported by precedent and contrary to law, for the following reasons : 1. Because the constitution has declared, article 3, section 14, that "a contested election shall be determined in such manner as shall be directed by law." 2. Because the act of 1827, which is the only law upon the subject, declared that "when any citizen determines to contest any election for Senator or Representative to the Legislature of this State, he shall give the person or persons whose election he disputes notice in writing, within twenty days after his or their election; setting forth specifically the grounds upon which he will attempt to invalidate his or their election; which notice shall be served by the sheriff or other officer as judicial writ are required to be executed. 3. Because we believe that their notice being in the nature of a writ of *capias ad respondendum* or having the greatest resemblance to it of any writ known to our law, and that the statute required it to be executed in the same manner, that is by serving a copy of the notice personally upon the adverse party and not in any other manner whatever, and as the committee inform us in their report, that the notice in this case had not been served in that manner; therefore we believe that the service was illegal and void, and the member returned was not bound to defend against such a case. 4. Because the grounds upon which the election would be contested as set forth in the notice of the memorialist, which he attempted to have served upon the member returned; was too vague, indefinite and uncertain to comply with the requisitions of law, or to enable the parties to take testimony to sustain or disprove them. 5. This decision, the undersigned believe was contrary to a precedent heretofore established by the Senate in the case of a contested election from the county of Jefferson, in the year 1825, for which see journals of the Senate of that year, page 48. The precedent then established was that "in determining contested elections in the Senate can be governed by established law only

For these reasons and others which might be added, the undersigned believe that the law governing the case, and the former precedents established by this body have not been sufficiently regarded; and that after the Senate had determined that an attempt to serve a notice should be considered as a service; and the returned member thus taken by surprise a reasonable time ought to have been allowed to take testimony to purge the polls. Against this refusal by a majority of the Senate as well as the adoption of the resolution removing the returned member from his seat, the undersigned beg leave to enter this most solemn protest.

(Signed)

THO. CRAWFORD, THO. EVANS, JOHN WOOD.

A message from the House of Representatives by Mr Van Dyke : Mr President— the House of Representatives have read three several times and passed a bill which originated in the Senate entitled an act to incorporate the Tuscaloosa fire engine company and have amended the same as herewith shewn,— in which amendment they desire your concurrence. They have also passed a bill which originated in the House of Representatives entitled an act to revive and continue in force for three years, an act for improving the road leading from Blakely to the upper line of Baldwin county, by way of Durant's passed Jan. 6, 1827— in which they also desire the concurrence of the Senate. The bill last mentioned was read the first time in the Senate, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Ordered, that the Senate concur in the amendment made by the House of Representatives to the bill entitled an act to incorporate the Tuscaloosa fire engine company. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr President laid before the Senate a copy of the communication addressed by him to John Murphy late governor of this State, pursuant to a resolution of the Senate, which is as follows:

SENATE CHAMBER, Tuscaloosa Alabama December 3, 1829

Sir— The Senate of the State of Alabama anxious to manifest to the public at large and also to testify to you the high estimation which the members of that body entertain for your personally and the manner in which they appreciate your public character during the period you have filled the gubernatorial chair of this State, have adopted the following resolution to wit : Resolved, that the Senate entertain a high sense of the ability, integrity and zeal with which the Hon. John Murphy, late governor of this State.

has discharged the duties of the executive office for the last four years, and that the President of the Senate be requested to transmit to him a copy of this resolution as expressive of the sense of the Senate.

As the organ of the body in making known the communication to you permit me to express the anxious desire which I entertain that you may in your retirement enjoy that portion of this world's comfort and happiness, which you have on all occasions endeavored to dispense to others and in the feelings and sentiments of the Senate as expressed in the foregoing resolution, permit me to commingle my own. I am personally much gratified in having the opportunity to assure you of my great respect and esteem.

LEVIN POWELL, *President of the Senate.*

His Excellency John Murphy, late governor of the State of Alabama.
And then the Senate adjourned till 6 o'clock this evening.

Six o'clock p.m. January 20, 1830.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Van Dyke : Mr President— the House of Representatives concur in the resolution of your honorable body proposing to appoint a committee to wait on the governor and inform him that the two houses of the General Assembly will be ready to adjourn sine die at six o'clock this evening, if he has no further communications to make and have amended the same by striking out "six" and inserting "eleven o'clock this evening." They have appointed on their part messrs Taylor and Young. They have passed a bill which originated in their house entitled an act to permit John Lindsay to have registered a deed therein mentioned ; and an act for the relief of William Winlock ; in which they desire the concurrence of the Senate. They recede from their disagreement to the amendment made by the Senate to the bill entitled in act to discontinue and establish certain election precincts therein named. They concur in the amendment made by the Senate to the bill entitled an act to divorce certain persons therein named.

Ordered, that the Senate concur in the amendment made by the House of Representatives to the resolution appointing a committee to wait on the governor and inform him that the two houses of the General Assembly will adjourn this evening if he has no further communication to make

A bill from the House of Representatives entitled an act for the relief of William Winlock, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time and passed. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr Moore, from the joint committee on enrolled bills, reported as correctly enrolled an act repealing in part an act passed at the annual session of the General Assembly for the year 1829 changing and designating the time of holding the circuit courts in the seventh and third judicial circuits for the state of Alabama ; and, an act to change the time of holding courts in the first judicial circuit : both of which were accordingly signed by mr President.

Mr Moore from the same committee, reported as correctly enrolled an act to divorce certain persons therein named ; an act to revive and continue in force for three years an act for improving the road leading from Blakely to the upper line of Baldwin county, by way of Durant's passed Jan 6th 1827 ; an act to appoint commissioners to mark and lay out a certain road therein specified ; an act to discontinue and establish certain election precincts therein specified ; an act making appropriations for the payment of certain claims against the state ; an act to authorize the emancipation of certain slaves therein named ; an act to permit John Lindsay to have registered a deed therein named ; and an act for the relief of William Winlock: all of which were accordingly signed by Mr President.

A message from the Governor by Mr Thornton : Mr President— The Governor did, on the 19th instant, approve and sign the following bills : an act for the relief of securities in Bank ; an act to establish La Grange College; and , on this day, an act to authorize James Davis and associates to turnpike a certain road therein named ; an act regulating the duties of county treasurers ; an act to extend the time for final settlement of the tax collector of Morgan county; an act for the relief of Henry Sossaman ; memorial to the Congress of the United States to procure the establishment of a land office in Montecello, in Pike county ; an act repealing in part an act passed at the annual session of the General Assembly for the year 1829, changing and designating the time of holding the circuit courts in the seventh and third judicial circuits for the state of Alabama ; and, an act to change the time of holding courts in the first judicial circuit. All of which originated in the Senate.

Mr Wood from the committee appointed to wait on the Governor and inform him that the two houses will be ready to adjourn this evening at the hour of 11 o'clock, if he has no further communications to make, reported that the committee have performed the duty assigned them, and received for answer from the Governor that he had no further communication to make.

Mr Walthall offered the following resolution : *Resolved*, that the House of Representatives be now informed that the Senate have disposed of all the business before them and are now ready to adjourn *sine die*, which was adopted.

A message from the House of Representatives by mr Tunstall : Mr President— The House of Representatives have adopted the following resolution : *Resolved*, that the Senate be informed that the House of Representatives will be ready to adjourn *sine die* in thirty minutes.

Mr Crawford having taken the chair, mr Wood offered the following resolution : *Resolved unanimously*, that the thanks of the Senate be, and they are hereby tendered to the honorable Levin Powell, President of the Senate for the able dignified and impartial manner in which he has discharged the duties of the chair during the present session of the General Assembly, which was unanimously adopted.

The President having resumed the chair, arose and addressed the Senate in the following manner:

Gentlemen of the Senate : To say to you that I am grateful for the Resolution of approbation towards me, as the presiding officer of the Senate, which in such complimentary terms, you have adopted, is indeed but a feeble expression of my true feelings. Sensible of my inexperience, it was with great diffidence that I undertook the performance of the duties of the honorable station to which, by your undue liberality, I was called at the commencement of the session. I then placed great reliance on the aid which I anticipated to receive from you, in directing me aright, and on your forbearance in my occasional errors. In this anticipation I have not been mistaken. At your hands throughout the session and on all occasions, I have received an ample support. I have witnessed with no ordinary degree of satisfaction, the great harmony, good feeling and mutual toleration which have generally characterized you in your intercourse one with another : and in the extension of those principle from you to the Chair. To this cause, in a great measure, I attribute the facility and despatch with which the public business has been transacted by this branch of the Legislature, at the present session, to a degree not heretofore surpassed.

Gentlemen: We are now about to separate for a season : and when we take into view the instability and uncertainty of all sublunary affairs , some of us may never meet again, until we shall have passed" that bourne from whence no traveller returns"— With all of you I have had an intimate and long association — with some of you. I have been a fellow laborer in the vineyard of legislation from a period of time almost, corral with the Constitution of the State. I am fully sensible of, and here bear ample testimony to the anxious desire which you have, on all occasions manifested to advance the com-

mon weal ; and although, from the very nature of things, a contrariety of opinion is constantly arising on the various subjects presented to you for your consideration , yet for that, there is a *salvo* in that inestimable principle of our government, and to which we all how acquiescence, *that the majority shall vote*.

Permit me in conclusion, upon bidding you adieu, to tender you my warmest and most cordial wishes for your individual health, happiness and prosperity, in the various vicissitudes of life : and in returning to the bosoms of your families and friends, may you long continue to enjoy that meed of approbation, from an enlightened and discerning community , to which by your public acts, you are so justly entitled.

On motion of Mr Irwin, the Senate then adjourned *sine die*.

LEVIN POWELL, *President of the Senate*.

ATTEST, F. S. LYON, Secretary of the Senate.